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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

SPH AMERICA, LLC,  
Plaintiff,

vs.

RESEARCH IN MOTION, LTD.  
D/B/A BLACKBERRY,  
Defendant.

Case No. 13-CV-2320-CAB-BLM

**SUPPLEMENTAL FIRST  
AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT**

**Jury Trial Demanded**

RUSS, AUGUST & KABAT

1 This is an action for patent infringement arising under the Patent Laws of the  
2 United States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff SPH America,  
3 LLC (“SPH” or “Plaintiff”) makes the following allegations against Defendant  
4 Research In Motion, Ltd., d/b/a BlackBerry. (“BlackBerry” or “Defendant”).

5 **I. PARTIES**

6 1. Plaintiff SPH America, LLC is a Virginia limited liability company  
7 having a principal place of business at 8133 Leesburg Pike, Suite 310, Vienna,  
8 Virginia 22182.

9 2. On information and belief, Defendant Research In Motion, Ltd. is a  
10 Canadian corporation, with its principal place of business located at 295 Phillip  
11 Street, Waterloo, Ontario, N2L 3W8, Canada.

12 **II. JURISDICTION AND VENUE**

13 3. This action arises under the patent laws of the United States, Title 35  
14 of the United States Code. This Court has original subject matter jurisdiction  
15 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16 4. On information and belief, Defendant is subject to this Court's specific  
17 and general personal jurisdiction pursuant to due process and/or the California  
18 Long Arm Statute, due to having availed itself of the rights and benefits of  
19 California by engaging in activities, including: (i) conducting substantial business  
20 in this forum; and (ii) engaging in other persistent courses of conduct, and/or  
21 deriving substantial revenue from goods and services provided to individuals in  
22 California and in this Judicial District.

23 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c)  
24 and 1400(b). On information and belief, Defendant has engaged in activities  
25 including: transacting business in this district and purposefully directing its  
26 business activities, including the sale of infringing goods, to this district.

**COUNT I****INFRINGEMENT OF U.S. PATENT NO. RE 40,385**

6. Plaintiff SPH realleges and incorporates by reference paragraphs 1-5 above, as if fully set forth herein.

7. Plaintiff SPH is the exclusive licensee of United States Patent No. RE 40,385 (“the ‘385 patent”) titled “Orthogonal Complex Spreading Method For Multichannel And Apparatus Thereof.” The ‘385 patent was duly and legally issued by the United States Patent and Trademark Office on June 17, 2008. SPH is the exclusive licensee, possessing all substantial rights, to the ‘385 patent pursuant to a license from the Electronics and Telecommunications Research Institute, a South Korean non-profit research organization, the owner of the ‘385 patent.

8. On information and belief, BlackBerry makes and sells mobile handsets for use on a wireless network.

9. On information and belief, BlackBerry has infringed and continues to infringe the ‘385 patent by, among other things, making, using, offering for sale, and/or selling unlicensed systems, and products and/or services related thereto, covered by one or more claims of the ‘385 patent. Such unlicensed products include, by way of example and without limitation, the BlackBerry Q10, BlackBerry Z10, BlackBerry Bold 9930, BlackBerry Curve 9360, BlackBerry Curve 9315, and the BlackBerry Curve 9310, all of which are covered by one or more claims of the ‘385 patent, including but not limited to claim 31. By making, using, offering for sale, and/or selling such systems, and products and/or services related thereto, covered by one or more claims of the ‘385 patent, BlackBerry has injured SPH and is liable to SPH for infringement of the ‘385 patent pursuant to 35 U.S.C. § 271.

10. BlackBerry was placed on notice of its infringement of the ‘385 Patent no later than approximately October 29, 2009 as a result of a letter from

1 SPH to BlackBerry specifically identifying the '385 patent and informing  
2 Blackberry of its infringing conduct.

3 11. On information and belief, BlackBerry has also infringed the '385  
4 patent by inducing others, including users of its wireless handsets, to infringe one  
5 or more claims of the '385 patent in violation of 35 U.S.C. § 271(b).

6 12. On information and belief, BlackBerry takes active steps to induce its  
7 customers to infringe the '385 patent by taking affirmative steps to encourage and  
8 facilitate direct infringement by others with knowledge of that infringement, such  
9 as, upon information and belief, by importing, offering for sale, and/or selling  
10 products and/or services that when used as intended infringe the '385 patent. For  
11 example, and without limitation, on information and belief, BlackBerry advertises  
12 that customers can utilize mobile devices to communicate using its network  
13 services for 3G communications enabled pursuant to CDMA2000 technology or  
14 WCDMA technology. Since at least the time of the written communications in  
15 October 2009, BlackBerry has had actual knowledge of the '385 patent and that the  
16 use of products and services by its customers constituted direct infringement of the  
17 '385 patent. Despite this knowledge, BlackBerry has continued to offer its  
18 infringing products, to facilitate and encourage infringing use of its products, and  
19 to encourage its customers to use its products and services in a manner that  
20 infringes the '385 patent.

21 13. On information and belief, BlackBerry has also infringed the '385  
22 patent by contributing to the infringement of others, including users of its handsets,  
23 to infringe one or more claims of the '385 patent in violation of 35 U.S.C. §  
24 271(c).

25 14. On information and belief, BlackBerry sells devices that are a  
26 component of the patented invention of the '385 patent or an apparatus for use in  
27 practicing a patented process of the '385 patent and they are especially made or  
28 especially adapted for use in infringement of the '385 patent. In particular, the

1 mobile handsets sold and offered for sale by BlackBerry are apparatus for use in  
2 practicing one or more claimed processes of the '385 patent and are especially  
3 made or especially adapted for use in practicing one or more claimed processes of  
4 the '385 patent, including through use in communications using CDMA2000  
5 technology or WCDMA technology. BlackBerry sold these devices despite its  
6 knowledge that they were especially made or especially adapted for use in  
7 infringement of the '385 patent. BlackBerry was put on notice of the infringing  
8 nature of these goods since at least the time of SPH's written communications in  
9 October 2009.

10 15. BlackBerry undertook its actions of, *inter alia*, making, using,  
11 offering for sale, and/or selling unlicensed systems, and products and/or services  
12 related thereto despite an objectively high likelihood that such activities infringed  
13 the '385 patent, which has been duly issued by the United States Patent and  
14 Trademark Office, and is presumed valid. Since at least the time of SPH's 2009  
15 letter, BlackBerry has been aware of an objectively high likelihood that its actions  
16 constituted, and continue to constitute, infringement of the '385 patent and that the  
17 '385 patent is valid. Despite that knowledge, on information and belief,  
18 BlackBerry has continued its infringing activities. As such, BlackBerry willfully  
19 infringed the '385 patent.

20 16. As a result of BlackBerry's infringement of the '385 patent, Plaintiff  
21 SPH has suffered monetary damages and is entitled to a money judgment in an  
22 amount adequate to compensate for BlackBerry's infringement, but in no event  
23 less than a reasonable royalty for the use made of the invention by BlackBerry,  
24 enhancement of damages due to BlackBerry's willful infringement, and interest  
25 and costs as fixed by the Court.

**COUNT II****INFRINGEMENT OF U.S. PATENT NO. RE 40,253**

17. Plaintiff SPH realleges and incorporates by reference paragraphs 1-16 above, as if fully set forth herein.

18. Plaintiff SPH is the exclusive licensee of United States Patent No. RE 40,253 (“the ‘253 patent”) titled “Apparatus For Making A Random Access To the Reverse Common Channel Of A Base Station In CDMA And Method Therefor.” The ‘253 patent was duly and legally issued by the United States Patent and Trademark Office on April 22, 2008. SPH is the exclusive licensee, possessing all substantial rights, to the ‘253 patent pursuant to a license from the Electronics and Telecommunications Research Institute, a South Korean non-profit research organization, the owner of the ‘253 patent.

19. On information and belief, BlackBerry makes and sells mobile handsets for use on a wireless network.

20. On information and belief, BlackBerry has infringed and continues to infringe the ‘253 patent by, among other things, making, using, offering for sale, and/or selling unlicensed systems, and products and/or services related thereto, covered by one or more claims of the ‘253 patent. Such unlicensed products include, by way of example and without limitation, the BlackBerry Q10, BlackBerry Z10, BlackBerry Curve 9360, and the BlackBerry Curve 9315, all of which are covered by one or more claims of the ‘253 patent, including but not limited to claim 34. By making, using, offering for sale, and/or selling such systems, and products and/or services related thereto, covered by one or more claims of the ‘253 patent, BlackBerry has injured SPH and is liable to SPH for infringement of the ‘253 patent pursuant to 35 U.S.C. § 271.

21. BlackBerry was placed on notice of its infringement of the ‘253 Patent no later than approximately October 29, 2009 as a result of a letter form

1 SPH to BlackBerry specifically identifying the '253 patent and informing  
2 BlackBerry of its infringing conduct.

3 22. On information and belief, BlackBerry has also infringed the '253  
4 patent by inducing others, including users of its wireless handsets, to infringe one  
5 or more claims of the '253 patent in violation of 35 U.S.C. § 271(b).

6 23. On information and belief, BlackBerry takes active steps to induce its  
7 customers to infringe the '253 patent by taking affirmative steps to encourage and  
8 facilitate direct infringement by others with knowledge of that infringement, such  
9 as, upon information and belief, by importing, offering for sale, and/or selling  
10 products and/or services that when used as intended infringe the '253 patent. For  
11 example, and without limitation, on information and belief, BlackBerry advertises  
12 that customers can utilize its mobile devices for 3G communications enabled  
13 pursuant to WCDMA technology. Since at least the time of SPH's written  
14 communication in October 2009, BlackBerry has had actual knowledge of the '253  
15 patent and that the use of products and services by its customers constituted direct  
16 infringement of the '253 patent. Despite this knowledge, BlackBerry has  
17 continued to offer its infringing products, to facilitate and encourage infringing use  
18 of its products, and to encourage its customers to use its products and services in a  
19 manner that infringes the '253 patent.

20 24. On information and belief, BlackBerry has also infringed the '253  
21 patent by contributing to the infringement of others, including users of its wireless  
22 handsets, to infringe one or more claims of the '253 patent in violation of 35  
23 U.S.C. § 271(c).

24 25. On information and belief, BlackBerry sells devices that are a  
25 component of the patented invention of the '253 patent or an apparatus for use in  
26 practicing a patented process of the '253 patent and they are especially made or  
27 especially adapted for use in infringement of the '253 patent. In particular, the  
28 mobile handsets sold and offered for sale by BlackBerry are apparatus for use in



1 practicing one or more claimed processes of the ‘253 patent and are especially  
2 made or especially adapted for use in practicing one or more claimed processes of  
3 the ‘253 patent, including through use in communications using WCDMA  
4 technology. BlackBerry sold these unlicensed devices despite its knowledge that  
5 they were especially made or especially adapted for use in infringement of the ‘253  
6 patent. BlackBerry was put on notice of the infringing nature of these goods since  
7 at least the time of SPH’s written communication in October 2009.

8 26. BlackBerry undertook its actions of, *inter alia*, making, using,  
9 offering for sale, and/or selling unlicensed systems, and products and/or services  
10 related thereto despite an objectively high likelihood that such activities infringed  
11 the ‘253 patent, which has been duly issued by the United States Patent and  
12 Trademark Office, and is presumed valid. Since at least the time of SPH’s written  
13 communication in October 2009, BlackBerry has been aware of an objectively  
14 high likelihood that its actions constituted, and continue to constitute, infringement  
15 of the ‘253 patent and that the ‘253 patent is valid. Despite that knowledge, on  
16 information and belief, BlackBerry has continued its infringing activities. As such,  
17 Huawei willfully infringed the ‘253 patent.

18 27. As a result of BlackBerry’s infringement of the ‘253 patent, Plaintiff  
19 SPH has suffered monetary damages and is entitled to a money judgment in an  
20 amount adequate to compensate for BlackBerry’s infringement, but in no event  
21 less than a reasonable royalty for the use made of the invention by BlackBerry,  
22 enhancement of damages due to BlackBerry’s willful infringement, and interest  
23 and costs as fixed by the Court.

### 24 COUNT III

#### 25 INFRINGEMENT OF U.S. PATENT NO. 7,443,906

26 28. Plaintiff SPH realleges and incorporates by reference paragraphs 1-27  
27 above, as if fully set forth herein.  
28



29. Plaintiff SPH is the exclusive licensee of United States Patent No. 7,443,906 (“the ‘906 patent”) titled “Apparatus and Method For Modulating Data Message by Employing Orthogonal Variable Spreading Factor (OVSF) Codes In Mobile Communication System.” The ‘906 patent was duly and legally issued by the United States Patent and Trademark Office on October 28, 2008. SPH is the exclusive licensee, possessing all substantial rights, to the ‘906 patent pursuant to a license from the Electronics and Telecommunications Research Institute, a South Korean non-profit research organization, the owner of the ‘906 patent.

30. On information and belief, BlackBerry makes and sells mobile handsets for use on a wireless network.

31. On information and belief, BlackBerry has infringed and continues to infringe the ‘906 patent by, among other things, making, using, offering for sale, and/or selling unlicensed systems, and products and/or services related thereto, covered by one or more claims of the ‘906 patent. Such unlicensed products include, by way of example and without limitation, the BlackBerry Q10, BlackBerry Z10, BlackBerry Curve 9360, and the BlackBerry Curve 9315, which are covered by one or more claims of the ‘906 patent, including but not limited to claim 14. By making, using, offering for sale, and/or selling such systems, and products and/or services related thereto, covered by one or more claims of the ‘906 patent, BlackBerry has injured SPH and is liable to SPH for infringement of the ‘906 patent pursuant to 35 U.S.C. § 271.

32. BlackBerry was placed on notice of its infringement of the ‘906 Patent no later than approximately October 29, 2009 as a result of a letter from SPH to BlackBerry specifically identifying the ‘906 patent and informing BlackBerry of its infringing conduct.

33. On information and belief, BlackBerry has also infringed the ‘906 patent by inducing others, including users of its wireless handsets to infringe one or more claims of the ‘906 patent in violation of 35 U.S.C. § 271(b).

1           34. On information and belief, BlackBerry takes active steps to induce its  
2 customers to infringe the '906 patent by taking affirmative steps to encourage and  
3 facilitate direct infringement by others with knowledge of that infringement, such  
4 as, upon information and belief, by importing, offering for sale, and/or selling  
5 products and/or services that when used as intended infringe the '906 patent. For  
6 example, and without limitation, on information and belief, BlackBerry advertises  
7 that customers can utilize its mobile devices to communicate using 3G  
8 communications enabled pursuant to WCDMA technology. Since at least the time  
9 of SPH's written communication in October 2009, BlackBerry has had actual  
10 knowledge of the '906 patent and that the use of products and services by its  
11 customers constituted direct infringement of the '906 patent. Despite this  
12 knowledge, BlackBerry has continued to offer its infringing products, to facilitate  
13 and encourage infringing use of its products, and to encourage its customers to use  
14 its products and services in a manner that infringes the '906 patent.

15           35. On information and belief, BlackBerry has also infringed the '906  
16 patent by contributing to the infringement of others, including users of its wireless  
17 handsets, to infringe one or more claims of the '906 patent in violation of 35  
18 U.S.C. § 271(c).

19           36. On information and belief, BlackBerry sells devices that are a  
20 component of the patented invention of the '906 patent or an apparatus for use in  
21 practicing a patented process of the '906 patent and they are especially made or  
22 especially adapted for use in infringement of the '906 patent. In particular, the  
23 unlicensed mobile handsets sold and offered for sale by BlackBerry are apparatus  
24 for use in practicing one or more claimed processes of the '906 patent and are  
25 especially made or especially adapted for use in practicing one or more claimed  
26 processes of the '906 patent, including through use in communications using  
27 WCDMA technology. Huawei sold these unlicensed devices despite its knowledge  
28 that they were especially made or especially adapted for use in infringement of the

1 ‘906 patent. Huawei was put on notice of the infringing nature of these goods  
2 since at least the time of SPH’s written communication in October 2009.

3 37. BlackBerry undertook its actions of, *inter alia*, making, using,  
4 offering for sale, and/or selling unlicensed systems, and products and/or services  
5 related thereto despite an objectively high likelihood that such activities infringed  
6 the ‘906 patent, which has been duly issued by the United States Patent and  
7 Trademark Office, and is presumed valid. Since at least the time of SPH’s written  
8 communication in October 2009, BlackBerry has been aware of an objectively  
9 high likelihood that its actions constituted, and continue to constitute, infringement  
10 of the ‘906 patent and that the ‘906 patent is valid. Despite that knowledge, on  
11 information and belief, Huawei has continued its infringing activities. As such,  
12 BlackBerry willfully infringed the ‘906 patent.

13 38. As a result of BlackBerry’s infringement of the ‘906 patent, Plaintiff  
14 SPH has suffered monetary damages and is entitled to a money judgment in an  
15 amount adequate to compensate for BlackBerry’s infringement, but in no event  
16 less than a reasonable royalty for the use made of the invention by BlackBerry,  
17 enhancement of damages due to BlackBerry’s willful infringement, and interest  
18 and costs as fixed by the Court.

#### 19 **COUNT IV**

#### 20 **INFRINGEMENT OF U.S. PATENT NO. 5,960,029**

21 39. Plaintiff SPH realleges and incorporates by reference paragraphs 1-38  
22 above, as if fully set forth herein.

23 40. Plaintiff SPH is the exclusive licensee of United States Patent No.  
24 5,960,029 (“the ‘029 patent”) titled “Coherent Dual-Channel QPSK  
25 Modulator/Demodulator For CDMA Systems, And Modulating/Demodulating  
26 Methods Therefor.” The ‘029 patent was duly and legally issued by the United  
27 States Patent and Trademark Office on September 28, 1999. SPH is the exclusive  
28 licensee, possessing all substantial rights, to the ‘029 patent pursuant to a license

1 from the Electronics and Telecommunications Research Institute, a South Korean  
2 non-profit research organization, the owner of the '029 patent.

3 41. On information and belief, BlackBerry makes and sells mobile  
4 handsets for use on a wireless network.

5 42. On information and belief, BlackBerry has infringed and continues to  
6 infringe the '029 patent by, among other things, making, using, offering for sale,  
7 and/or selling unlicensed systems, and products and/or services related thereto,  
8 covered by one or more claims of the '029 patent. Such unlicensed products  
9 include, by way of example and without limitation, the BlackBerry Q10,  
10 BlackBerry Z10, BlackBerry Bold 9930, BlackBerry Curve 9360, BlackBerry  
11 Curve 9315, and the BlackBerry Curve 9310, all of which are covered by one or  
12 more claims of the '029 patent, including but not limited to claim 1. By making,  
13 using, offering for sale, and/or selling such systems, and products and/or services  
14 related thereto, covered by one or more claims of the '029 patent, BlackBerry has  
15 injured SPH and is liable to SPH for infringement of the '029 patent pursuant to 35  
16 U.S.C. § 271.

17 43. BlackBerry was placed on notice of its infringement of the '029  
18 Patent no later than approximately October 29, 2009 as a result of a letter from  
19 SPH to BlackBerry specifically identifying the '029 patent and informing  
20 BlackBerry of its infringing conduct.

21 44. On information and belief, BlackBerry has also infringed the '029  
22 patent by inducing others, including users of its wireless handsets to infringe one  
23 or more claims of the '029 patent in violation of 35 U.S.C. § 271(b).

24 45. On information and belief, BlackBerry takes active steps to induce its  
25 customers to infringe the '029 patent by taking affirmative steps to encourage and  
26 facilitate direct infringement by others with knowledge of that infringement, such  
27 as, upon information and belief, by importing, offering for sale, and/or selling  
28 products and/or services that when used as intended infringe the '029 patent. For

1 example, and without limitation, on information and belief, BlackBerry advertises  
2 that customers can utilize its mobile devices to communicate using 3G  
3 communications enabled pursuant to CDMA 2000 technology or WCDMA  
4 technology. Since at least time of SPH's written communication in October 2009,  
5 BlackBerry has had actual knowledge of the '029 patent and that the use of  
6 products and services by its customers constituted direct infringement of the '029  
7 patent. Despite this knowledge, BlackBerry has continued to offer its infringing  
8 products, to facilitate and encourage infringing use of its products, and to  
9 encourage its customers to use its products and services in a manner that infringes  
10 the '029 patent.

11 46. On information and belief, BlackBerry has also infringed the '029  
12 patent by contributing to the infringement of others, including users of unlicensed  
13 wireless handsets, to infringe one or more claims of the '029 patent in violation of  
14 35 U.S.C. § 271(c).

15 47. On information and belief, BlackBerry sells devices that are a  
16 component of the patented invention of the '029 patent or an apparatus for use in  
17 practicing a patented process of the '029 patent and they are especially made or  
18 especially adapted for use in infringement of the '029 patent. In particular, the  
19 unlicensed mobile handsets sold and offered for sale by BlackBerry are apparatus  
20 for use in practicing one or more claimed processes of the '029 patent and are  
21 especially made or especially adapted for use in practicing one or more claimed  
22 processes of the '029 patent, including through use in communications using  
23 CDMA2000 technology or WCDMA technology. BlackBerry sold these  
24 unlicensed devices despite its knowledge that they were especially made or  
25 especially adapted for use in infringement of the '029 patent. BlackBerry was put  
26 on notice of the infringing nature of these goods since at least the time of SPH's  
27 written communication in October 2009.  
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1           52. On information and belief, BlackBerry makes and sells mobile  
2 handsets for use on a wireless network.

3           53. On information and belief, BlackBerry has infringed and continues to  
4 infringe the '173 patent by, among other things, making, using, offering for sale,  
5 and/or selling unlicensed systems, and products and/or services related thereto,  
6 covered by one or more claims of the '173 patent. Such unlicensed products  
7 include, by way of example and without limitation, the BlackBerry Q10,  
8 BlackBerry Z10, BlackBerry Curve 9360, and the BlackBerry Curve 9315, which  
9 are covered by one or more claims of the '173 patent, including but not limited to  
10 claim 1. By making, using, offering for sale, and/or selling such systems, and  
11 products and/or services related thereto, covered by one or more claims of the '173  
12 patent, BlackBerry has injured SPH and is liable to SPH for infringement of the  
13 '173 patent pursuant to 35 U.S.C. § 271.

14           54. As a result of BlackBerry's infringement of the '173 patent, Plaintiff  
15 SPH has suffered monetary damages and is entitled to a money judgment in an  
16 amount adequate to compensate for BlackBerry's infringement, but in no event  
17 less than a reasonable royalty for the use made of the invention by BlackBerry, and  
18 interest and costs as fixed by the Court.

19           55. BlackBerry was placed on notice of its infringement of the '173  
20 Patent no later than the filing of the initial complaint in this matter specifically  
21 identifying the '173 Patent and informing BlackBerry of its infringing conduct.

22           56. On information and belief, BlackBerry has also infringed the '173  
23 patent by inducing others, including users of its wireless handsets, to infringe one  
24 or more claims of the '173 patent in violation of 35 U.S.C. § 271(b).

25           57. On information and belief, BlackBerry takes active steps to induce its  
26 customers and network users to infringe the '173 patent by taking affirmative steps  
27 to encourage and facilitate direct infringement by others with knowledge of that  
28 infringement, such as, upon information and belief, by importing, offering for sale,



1 and/or selling products and/or services that when used as intended infringe the  
2 '173 patent. For example, and without limitation, on information and belief,  
3 BlackBerry advertises that customers can utilize its mobile devices for 3G  
4 communications enabled pursuant to WCDMA technology. Since at least the  
5 filing of the initial complaint in this matter, BlackBerry has had actual knowledge  
6 of the '173 patent and that the use of products and services by its customers  
7 constituted direct infringement of the '173 patent. Despite this knowledge,  
8 BlackBerry has continued to offer these services, to facilitate and encourage  
9 infringing use of its services, and to encourage its customers to use products and  
10 services from BlackBerry in a manner that infringes the '173 patent.

11 58. On information and belief, BlackBerry has also infringed the '173  
12 patent by contributing to the infringement of others, including users of its wireless  
13 handsets, to infringe one or more claims of the '173 patent in violation of 35  
14 U.S.C. § 271(c).

15 59. On information and belief, BlackBerry sells devices that are a  
16 component of the patented invention of the '173 patent or an apparatus for use in  
17 practicing a patented process of the '173 patent and they are especially made or  
18 especially adapted for use in infringement of the '173 patent. In particular, the  
19 unlicensed mobile handsets sold and offered for sale by BlackBerry are apparatus  
20 for use in practicing one or more claimed processes of the '173 patent and are  
21 especially made or especially adapted for use in practicing one or more claimed  
22 processes of the '173 patent, including through use in communications using  
23 WCDMA technology. BlackBerry sold these unlicensed devices despite its  
24 knowledge that they were especially made or especially adapted for use in  
25 infringement of the '173 patent. BlackBerry was put on notice of the infringing  
26 nature of these goods since at least the time of the filing of the initial complaint in  
27 this matter.  
28

60. BlackBerry undertook its actions of, *inter alia*, making, using, offering for sale, and/or selling unlicensed systems, and products and/or services related thereto despite an objectively high likelihood that such activities infringed the ‘173 patent, which has been duly issued by the United States Patent and Trademark Office, and is presumed valid. Since at least the time of the initial filing of this action, BlackBerry has been aware of an objectively high likelihood that its actions constituted, and continue to constitute, infringement of the ‘173 patent and that the ‘173 patent is valid. Despite that knowledge, on information and belief, BlackBerry has continued its infringing activities. As such, BlackBerry willfully infringed the ‘173 patent.

61. As a result of BlackBerry’s indirect infringement of the ‘173 patent, Plaintiff SPH has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for BlackBerry’s infringement, but in no event less than a reasonable royalty for the use made of the invention by BlackBerry, enhancement of damages due to BlackBerry’s willful infringement, and interest and costs as fixed by the Court.

## COUNT VI

### INFRINGEMENT OF U.S. PATENT NO. RE 44,507

62. Plaintiff SPH realleges and incorporates by reference paragraphs 1-61 above, as if fully set forth herein.

63. Plaintiff SPH is the exclusive licensee of United States Patent No. RE 44,507 (“the ‘507 patent”) titled “Orthogonal Complex Spreading Method for Multichannel and Apparatus Thereof.” The ‘507 patent was duly and legally issued by the United States Patent and Trademark Office on September 24, 2013. SPH is the exclusive licensee, possessing all substantial rights, to the ‘507 patent pursuant to a license from the Electronics and Telecommunications Research Institute, a South Korean non-profit research organization, the owner of the ‘507 patent.

64. On information and belief, BlackBerry makes and sells mobile handsets for use on a wireless network.

65. On information and belief, BlackBerry has infringed and continues to infringe the '507 patent by, among other things, making, using, offering for sale, and/or selling unlicensed systems, and products and/or services related thereto, covered by one or more claims of the '507 patent. Such unlicensed products include, by way of example and without limitation, the BlackBerry Q10, BlackBerry Z10, BlackBerry Bold 9930, BlackBerry Curve 9360, BlackBerry Curve 9315, and the BlackBerry Curve 9310, all of which are covered by one or more claims of the '507 patent, including but not limited to claim 104. By making, using, offering for sale, and/or selling such systems, and products and/or services related thereto, covered by one or more claims of the '507 patent, BlackBerry has injured SPH and is liable to SPH for infringement of the '507 patent pursuant to 35 U.S.C. § 271.

66. As a result of BlackBerry's infringement of the '507 patent, Plaintiff SPH has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for BlackBerry's infringement, but in no event less than a reasonable royalty for the use made of the invention by BlackBerry, and interests and costs as fixed by the Court.

67. BlackBerry was placed on notice of its infringement of the '507 Patent no later than the filing of the first amended complaint in this matter specifically identifying the '507 Patent and informing BlackBerry of its infringing conduct.

68. On information and belief, BlackBerry has also infringed the '507 patent by inducing others, including users of its wireless handsets, to infringe one or more claims of the '507 patent in violation of 35 U.S.C. § 271(b).

69. On information and belief, BlackBerry takes active steps to induce its customers and network users to infringe the '507 patent by taking affirmative steps

1 to encourage and facilitate direct infringement by others with knowledge of that  
2 infringement, such as, upon information and belief, by importing, offering for sale,  
3 and/or selling products and/or services that when used as intended infringe the  
4 ‘507 patent. For example, and without limitation, on information and belief,  
5 BlackBerry advertises that customers can utilize its mobile devices for 3G  
6 communications enabled pursuant to WCDMA technology. Since at least the  
7 filing of the first amended complaint in this matter, BlackBerry has had actual  
8 knowledge of the ‘507 patent and that the use of products and services by its  
9 customers constituted direct infringement of the ‘507 patent. Despite this  
10 knowledge, BlackBerry has continued to offer these services, to facilitate and  
11 encourage infringing use of its services, and to encourage its customers to use  
12 products and services from BlackBerry in a manner that infringes the ‘507 patent.

13 70. On information and belief, BlackBerry has also infringed the ‘507  
14 patent by contributing to the infringement of others, including users of its wireless  
15 handsets, to infringe one or more claims of the ‘507 patent in violation of 35  
16 U.S.C. § 271(c).

17 71. On information and belief, BlackBerry sells devices that are a  
18 component of the patented invention of the ‘507 patent or an apparatus for use in  
19 practicing a patented process of the ‘507 patent and they are especially made or  
20 especially adapted for use in infringement of the ‘507 patent. In particular, the  
21 unlicensed mobile handsets sold and offered for sale by BlackBerry are apparatus  
22 for use in practicing one or more claimed processes of the ‘507 patent and are  
23 especially made or especially adapted for use in practicing one or more claimed  
24 processes of the ‘507 patent, including through use in communications using  
25 WCDMA technology. BlackBerry sold these unlicensed devices despite its  
26 knowledge that they were especially made or especially adapted for use in  
27 infringement of the ‘507 patent. BlackBerry was put on notice of the infringing  
28

1 nature of these goods since at least the time of the filing of the initial complaint in  
2 this matter.

3 72. BlackBerry undertook its actions of, *inter alia*, making, using,  
4 offering for sale, and/or selling unlicensed systems, and products and/or services  
5 related thereto despite an objectively high likelihood that such activities infringed  
6 the ‘507 patent, which has been duly issued by the United States Patent and  
7 Trademark Office, and is presumed valid. Since at least the time of the filing of  
8 the first amended complaint in this action, BlackBerry has been aware of an  
9 objectively high likelihood that its actions constituted, and continue to constitute,  
10 infringement of the ‘507 patent and that the ‘507 patent is valid. Despite that  
11 knowledge, on information and belief, BlackBerry has continued its infringing  
12 activities. As such, BlackBerry willfully infringed the ‘507 patent.

13 73. As a result of BlackBerry’s indirect infringement of the ‘507 patent,  
14 Plaintiff SPH has suffered monetary damages and is entitled to a money judgment  
15 in an amount adequate to compensate for BlackBerry’s infringement, but in no  
16 event less than a reasonable royalty for the use made of the invention by  
17 BlackBerry, enhancement of damages due to BlackBerry’s willful infringement,  
18 and interest and costs as fixed by the Court.

## 19 COUNT VII

### 20 INFRINGEMENT OF U.S. PATENT NO. RE 44,530

21 74. Plaintiff SPH realleges and incorporates by reference paragraphs 1-73  
22 above, as if fully set forth herein.

23 75. Plaintiff SPH is the exclusive licensee of United States Patent No. RE  
24 44,530 (“the ‘530 patent”) titled “Apparatus for Making a Random Access to the  
25 Reverse Common Channel of a Base Station in CDMA and Method Therefor.”  
26 The ‘530 patent was duly and legally issued by the United States Patent and  
27 Trademark Office on October 8, 2013. SPH is the exclusive licensee, possessing  
28 all substantial rights, to the ‘530 patent pursuant to a license from the Electronics

1 and Telecommunications Research Institute, a South Korean non-profit research  
2 organization, the owner of the ‘530 patent.

3 76. On information and belief, BlackBerry makes and sells mobile  
4 handsets for use on a wireless network.

5 77. On information and belief, BlackBerry has infringed and continues to  
6 infringe the ‘530 patent by, among other things, making, using, offering for sale,  
7 and/or selling unlicensed systems, and products and/or services related thereto,  
8 covered by one or more claims of the ‘530 patent. Such unlicensed products  
9 include, by way of example and without limitation, the BlackBerry Q10,  
10 BlackBerry Z10, BlackBerry Bold 9930, BlackBerry Curve 9360, BlackBerry  
11 Curve 9315, and the BlackBerry Curve 9310, all of which are covered by one or  
12 more claims of the ‘507 patent, including but not limited to claim 222. By making,  
13 using, offering for sale, and/or selling such systems, and products and/or services  
14 related thereto, covered by one or more claims of the ‘530 patent, BlackBerry has  
15 injured SPH and is liable to SPH for infringement of the ‘530 patent pursuant to 35  
16 U.S.C. § 271.

17 78. As a result of BlackBerry’s infringement of the ‘530 patent, Plaintiff  
18 SPH has suffered monetary damages and is entitled to a money judgment in an  
19 amount adequate to compensate for BlackBerry’s infringement, but in no event  
20 less than a reasonable royalty for the use made of the invention by BlackBerry, and  
21 interests and costs as fixed by the Court.

22 79. BlackBerry was placed on notice of its infringement of the ‘530  
23 Patent no later than the filing of the first amended complaint in this matter  
24 specifically identifying the ‘530 Patent and informing BlackBerry of its infringing  
25 conduct.

26 80. On information and belief, BlackBerry has also infringed the ‘530  
27 patent by inducing others, including users of its wireless handsets, to infringe one  
28 or more claims of the ‘530 patent in violation of 35 U.S.C. § 271(b).

1           81. On information and belief, BlackBerry takes active steps to induce its  
2 customers and network users to infringe the ‘530 patent by taking affirmative steps  
3 to encourage and facilitate direct infringement by others with knowledge of that  
4 infringement, such as, upon information and belief, by importing, offering for sale,  
5 and/or selling products and/or services that when used as intended infringe the  
6 ‘530 patent. For example, and without limitation, on information and belief,  
7 BlackBerry advertises that customers can utilize its mobile devices for 3G  
8 communications enabled pursuant to WCDMA technology. Since at least the  
9 filing of the first amended complaint in this matter, BlackBerry has had actual  
10 knowledge of the ‘530 patent and that the use of products and services by its  
11 customers constituted direct infringement of the ‘530 patent. Despite this  
12 knowledge, BlackBerry has continued to offer these services, to facilitate and  
13 encourage infringing use of its services, and to encourage its customers to use  
14 products and services from BlackBerry in a manner that infringes the ‘530 patent.

15           82. On information and belief, BlackBerry has also infringed the ‘530  
16 patent by contributing to the infringement of others, including users of its wireless  
17 handsets, to infringe one or more claims of the ‘530 patent in violation of 35  
18 U.S.C. § 271(c).

19           83. On information and belief, BlackBerry sells devices that are a  
20 component of the patented invention of the ‘530 patent or an apparatus for use in  
21 practicing a patented process of the ‘530 patent and they are especially made or  
22 especially adapted for use in infringement of the ‘530 patent. In particular, the  
23 unlicensed mobile handsets sold and offered for sale by BlackBerry are apparatus  
24 for use in practicing one or more claimed processes of the ‘530 patent and are  
25 especially made or especially adapted for use in practicing one or more claimed  
26 processes of the ‘530 patent, including through use in communications using  
27 WCDMA technology. BlackBerry sold these unlicensed devices despite its  
28 knowledge that they were especially made or especially adapted for use in



1 infringement of the ‘530 patent. BlackBerry was put on notice of the infringing  
2 nature of these goods since at least the time of the filing of the initial complaint in  
3 this matter.

4 84. BlackBerry undertook its actions of, *inter alia*, making, using,  
5 offering for sale, and/or selling unlicensed systems, and products and/or services  
6 related thereto despite an objectively high likelihood that such activities infringed  
7 the ‘530 patent, which has been duly issued by the United States Patent and  
8 Trademark Office, and is presumed valid. Since at least the time of the filing of  
9 the first amended complaint in this action, BlackBerry has been aware of an  
10 objectively high likelihood that its actions constituted, and continue to constitute,  
11 infringement of the ‘530 patent and that the ‘530 patent is valid. Despite that  
12 knowledge, on information and belief, BlackBerry has continued its infringing  
13 activities. As such, BlackBerry willfully infringed the ‘530 patent.

14 85. As a result of BlackBerry’s indirect infringement of the ‘530 patent,  
15 Plaintiff SPH has suffered monetary damages and is entitled to a money judgment  
16 in an amount adequate to compensate for BlackBerry’s infringement, but in no  
17 event less than a reasonable royalty for the use made of the invention by  
18 BlackBerry, enhancement of damages due to BlackBerry’s willful infringement,  
19 and interest and costs as fixed by the Court.

## 20 **COUNT VIII**

### 21 **INFRINGEMENT OF U.S. PATENT NO. 8,565,346**

22 86. Plaintiff SPH realleges and incorporates by reference paragraphs 1-85  
23 above, as if fully set forth herein.

24 87. Plaintiff SPH is the exclusive licensee of United States Patent No.  
25 8,565,346 (“the ‘346 patent”) titled “Apparatus for Transmitting and Receiving  
26 Data to Provide High-Speed Data Communication and Method Thereof.” The  
27 ‘346 patent was duly and legally issued by the United States Patent and Trademark  
28 Office on October 22, 2013. SPH is the exclusive licensee, possessing all

1 substantial rights, to the '346 patent pursuant to a license from the Electronics and  
2 Telecommunications Research Institute, a South Korean non-profit research  
3 organization, the owner of the '346 patent.

4 88. On information and belief, BlackBerry makes and sells mobile  
5 handsets capable of wireless local area network connectivity.

6 89. On information and belief, BlackBerry has infringed and continues to  
7 infringe the '346 patent by, among other things, making, using, offering for sale,  
8 and/or selling unlicensed systems, and products and/or services related thereto,  
9 covered by one or more claims of the '346 patent. Such unlicensed products  
10 include, by way of example and without limitation, the BlackBerry Q10,  
11 BlackBerry Z10, BlackBerry Bold 9930, BlackBerry Curve 9360, BlackBerry  
12 Curve 9315, and the BlackBerry Curve 9310, all of which are covered by one or  
13 more claims of the '346 patent, including but not limited to claim 1. By making,  
14 using, offering for sale, and/or selling such systems, and products and/or services  
15 related thereto, covered by one or more claims of the '346 patent, BlackBerry has  
16 injured SPH and is liable to SPH for infringement of the '346 patent pursuant to 35  
17 U.S.C. § 271.

18 90. As a result of BlackBerry's infringement of the '346 patent, Plaintiff  
19 SPH has suffered monetary damages and is entitled to a money judgment in an  
20 amount adequate to compensate for BlackBerry's infringement, but in no event  
21 less than a reasonable royalty for the use made of the invention by BlackBerry, and  
22 interests and costs as fixed by the Court.

23 91. BlackBerry was placed on notice of its infringement of the '346  
24 Patent no later than the filing of the first amended complaint in this matter  
25 specifically identifying the '346 Patent and informing BlackBerry of its infringing  
26 conduct.

1           92. On information and belief, BlackBerry has also infringed the ‘346  
2 patent by inducing others, including users of unlicensed wireless handsets to  
3 infringe one or more claims of the ‘346 patent in violation of 35 U.S.C. § 271(b).

4           93. On information and belief, BlackBerry takes active steps to induce its  
5 customers to infringe the ‘346 patent by taking affirmative steps to encourage and  
6 facilitate direct infringement by others with knowledge of that infringement, such  
7 as, upon information and belief, by importing, offering for sale, and/or selling  
8 products and/or services that when used as intended infringe the ‘346 patent. For  
9 example, and without limitation, on information and belief, BlackBerry advertises  
10 that customers can utilize mobile devices to communicate using WiFi  
11 communications protocols. Since at least the filing of the first amended complaint  
12 in this matter, BlackBerry has had actual knowledge of the ‘346 patent and that the  
13 use of products and services by its customers constituted direct infringement of the  
14 ‘346 patent. Despite this knowledge, BlackBerry has continued to offer these  
15 services, to facilitate and encourage infringing use of its services, and to encourage  
16 its customers to use products and services from BlackBerry in a manner that  
17 infringes the ‘346 patent.

18           94. On information and belief, BlackBerry has also infringed the ‘346  
19 patent by contributing to the infringement of others, including users of unlicensed  
20 wireless handsets, to infringe one or more claims of the ‘346 patent in violation of  
21 35 U.S.C. § 271(c).

22           95. On information and belief, BlackBerry sells devices that are a  
23 component of the patented invention of the ‘346 patent or an apparatus for use in  
24 practicing a patented process of the ‘346 patent and they are especially made or  
25 especially adapted for use in infringement of the ‘346 patent. In particular, the  
26 unlicensed mobile handsets sold and offered for sale by BlackBerry are apparatus  
27 for use in practicing one or more claimed processes of the ‘346 patent and are  
28 especially made or especially adapted for use in practicing one or more claimed

1 processes of the ‘346 patent, including through use in communications using WiFi  
2 communications protocols. BlackBerry sold these unlicensed devices despite its  
3 knowledge that they were especially made or especially adapted for use in  
4 infringement of the ‘346 patent. BlackBerry was put on notice of the infringing  
5 nature of these goods since at least the time of the filing of the initial complaint in  
6 this matter.

7 96. BlackBerry undertook its actions of, *inter alia*, making, using,  
8 offering for sale, and/or selling unlicensed systems, and products and/or services  
9 related thereto despite an objectively high likelihood that such activities infringed  
10 the ‘346 patent, which has been duly issued by the United States Patent and  
11 Trademark Office, and is presumed valid. Since at least the time of the filing of  
12 the first amended complaint in this action, BlackBerry has been aware of an  
13 objectively high likelihood that its actions constituted, and continue to constitute,  
14 infringement of the ‘346 patent and that the ‘346 patent is valid. Despite that  
15 knowledge, on information and belief, BlackBerry has continued its infringing  
16 activities. As such, BlackBerry willfully infringed the ‘346 patent.

17 97. As a result of BlackBerry’s indirect infringement of the ‘346 patent,  
18 Plaintiff SPH has suffered monetary damages and is entitled to a money judgment  
19 in an amount adequate to compensate for BlackBerry’s infringement, but in no  
20 event less than a reasonable royalty for the use made of the invention by  
21 BlackBerry, enhancement of damages due to BlackBerry’s willful infringement,  
22 and interest and costs as fixed by the Court.

### 23 COUNT IX

#### 24 INFRINGEMENT OF U.S. PATENT NO. 8,532,231

25 98. Plaintiff SPH realleges and incorporates by reference paragraphs 1-97  
26 above, as if fully set forth herein.

27 99. Plaintiff SPH is the exclusive licensee of United States Patent No.  
28 8,532,231 (“the ‘231 patent”) titled “Apparatus for Transmitting and Receiving

1 Data to Provide High-Speed Data Communication and Method Thereof.” The  
2 ‘231 patent was duly and legally issued by the United States Patent and Trademark  
3 Office on September 10, 2013. SPH is the exclusive licensee, possessing all  
4 substantial rights, to the ‘231 patent pursuant to a license from the Electronics and  
5 Telecommunications Research Institute, a South Korean non-profit research  
6 organization, the owner of the ‘231 patent.

7 100. On information and belief, BlackBerry makes and sells mobile  
8 handsets capable of wireless local area network connectivity.

9 101. On information and belief, BlackBerry has infringed and continues to  
10 infringe the ‘231 patent by, among other things, making, using, offering for sale,  
11 and/or selling unlicensed systems, and products and/or services related thereto,  
12 covered by one or more claims of the ‘231 patent. Such unlicensed products  
13 include, by way of example and without limitation, the BlackBerry Q10,  
14 BlackBerry Z10, BlackBerry Bold 9930, BlackBerry Curve 9360, BlackBerry  
15 Curve 9315, and the BlackBerry Curve 9310, all of which are covered by one or  
16 more claims of the ‘231 patent, including but not limited to claim 35. By making,  
17 using, offering for sale, and/or selling such systems, and products and/or services  
18 related thereto, covered by one or more claims of the ‘231 patent, BlackBerry has  
19 injured SPH and is liable to SPH for infringement of the ‘231 patent pursuant to 35  
20 U.S.C. § 271.

21 102. As a result of BlackBerry’s infringement of the ‘231 patent, Plaintiff  
22 SPH has suffered monetary damages and is entitled to a money judgment in an  
23 amount adequate to compensate for BlackBerry’s infringement, but in no event  
24 less than a reasonable royalty for the use made of the invention by BlackBerry, and  
25 interests and costs as fixed by the Court.

26 103. BlackBerry was placed on notice of its infringement of the ‘231  
27 Patent no later than the filing of the first amended complaint in this matter  
28

1 specifically identifying the '231 Patent and informing BlackBerry of its infringing  
2 conduct.

3 104. On information and belief, BlackBerry has also infringed the '231  
4 patent by inducing others, including users of unlicensed wireless handsets to  
5 infringe one or more claims of the '231 patent in violation of 35 U.S.C. § 271(b).

6 105. On information and belief, BlackBerry takes active steps to induce its  
7 customers to infringe the '231 patent by taking affirmative steps to encourage and  
8 facilitate direct infringement by others with knowledge of that infringement, such  
9 as, upon information and belief, by importing, offering for sale, and/or selling  
10 products and/or services that when used as intended infringe the '231 patent. For  
11 example, and without limitation, on information and belief, BlackBerry advertises  
12 that customers can utilize mobile devices to communicate using WiFi  
13 communications protocols. Since at least the filing of the first amended complaint  
14 in this matter, BlackBerry has had actual knowledge of the '231 patent and that the  
15 use of products and services by its customers constituted direct infringement of the  
16 '231 patent. Despite this knowledge, BlackBerry has continued to offer these  
17 services, to facilitate and encourage infringing use of its services, and to encourage  
18 its customers to use products and services from BlackBerry in a manner that  
19 infringes the '231 patent.

20 106. On information and belief, BlackBerry has also infringed the '231  
21 patent by contributing to the infringement of others, including users of unlicensed  
22 wireless handsets, to infringe one or more claims of the '231 patent in violation of  
23 35 U.S.C. § 271(c).

24 107. On information and belief, BlackBerry sells devices that are a  
25 component of the patented invention of the '231 patent or an apparatus for use in  
26 practicing a patented process of the '231 patent and they are especially made or  
27 especially adapted for use in infringement of the '231 patent. In particular, the  
28 unlicensed mobile handsets sold and offered for sale by BlackBerry are apparatus

1 for use in practicing one or more claimed processes of the '231 patent and are  
2 especially made or especially adapted for use in practicing one or more claimed  
3 processes of the '231 patent, including through use in communications using WiFi  
4 communications protocols. BlackBerry sold these unlicensed devices despite its  
5 knowledge that they were especially made or especially adapted for use in  
6 infringement of the '231 patent. BlackBerry was put on notice of the infringing  
7 nature of these goods since at least the time of the filing of the initial complaint in  
8 this matter.

9 108. BlackBerry undertook its actions of, *inter alia*, making, using,  
10 offering for sale, and/or selling unlicensed systems, and products and/or services  
11 related thereto despite an objectively high likelihood that such activities infringed  
12 the '231 patent, which has been duly issued by the United States Patent and  
13 Trademark Office, and is presumed valid. Since at least the time of the filing of  
14 the first amended complaint in this action, BlackBerry has been aware of an  
15 objectively high likelihood that its actions constituted, and continue to constitute,  
16 infringement of the '231 patent and that the '231 patent is valid. Despite that  
17 knowledge, on information and belief, BlackBerry has continued its infringing  
18 activities. As such, BlackBerry willfully infringed the '231 patent.

19 109. As a result of BlackBerry's indirect infringement of the '231 patent,  
20 Plaintiff SPH has suffered monetary damages and is entitled to a money judgment  
21 in an amount adequate to compensate for BlackBerry's infringement, but in no  
22 event less than a reasonable royalty for the use made of the invention by  
23 BlackBerry, enhancement of damages due to BlackBerry's willful infringement,  
24 and interest and costs as fixed by the Court.

### 25 **III. PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff SPH respectfully requests that this Court enter:

27 1. A judgment in favor of Plaintiff SPH that BlackBerry has infringed,  
28 either literally and/or under the doctrine of equivalents, the '385 patent, the '253



1 patent, the '906 patent, the '029 patent, the '173 patent, the '507 patent, the '530  
2 patent, the '346 patent, and the '231 patent;

3 2. A judgment in favor of Plaintiff SPH that BlackBerry has induced  
4 infringement of the '385 patent, the '253 patent, the '906 patent, the '029 patent,  
5 the '173 patent, the '507 patent, the '530 patent, the '346 patent, and the '231  
6 patent;

7 3. A judgment in favor of Plaintiff SPH that BlackBerry has contributed  
8 to the infringement of the '385 patent, the '253 patent, the '906 patent, the '029  
9 patent, the '173 patent, the '507 patent, the '530 patent, the '346 patent, and the  
10 '231 patent;

11 4. A judgment in favor of Plaintiff SPH that BlackBerry has willfully  
12 infringed the '385 patent, the '253 patent, the '906 patent the '029 patent, the '173  
13 patent, the '507 patent, the '530 patent, the '346 patent, and the '231 patent;

14 5. A judgment and order requiring BlackBerry to pay Plaintiff SPH its  
15 damages, costs, expenses, and pre-judgment and post-judgment interest as  
16 provided under 35 U.S.C. § 284 for BlackBerry's infringement of the '385 patent,  
17 the '253 patent, the '906 patent, the '029 patent, the '173 patent, the '507 patent,  
18 the '530 patent, the '346 patent, and the '231 patent;

19 6. A judgment and order for treble damages pursuant to 35 U.S.C. § 284;

20 7. A judgment and order that this case is exceptional and requiring  
21 BlackBerry to pay Plaintiff SPH reasonable experts' fees and attorneys' fees  
22 pursuant to 35 U.S.C. § 285; and

23 8. Any and all other relief as the Court may deem appropriate and just  
24 under the circumstances.

#### 25 **IV. DEMAND FOR JURY TRIAL**

26 Plaintiff SPH requests a trial by jury of any issues so triable.  
27  
28

DATED: June 27, 2014

RUSS, AUGUST & KABAT  
Larry C. Russ  
Marc A. Fenster  
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Alexander C.D. Giza  
J. Power Hely VI

By: /s/ J. Power Hely VI  
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RUSS, AUGUST & KABAT