

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROSETTA-WIRELESS CORP., an Illinois Corporation,)	
)	
Plaintiff)	
)	
v.)	Civil Action No. _____
)	
MOTOROLA MOBILITY LLC, a Delaware Corporation,)	Judge Joan H. Lefkow
)	
Defendant.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Rosetta-Wireless Corp. (“Rosetta” or “Plaintiff”) hereby alleges by way of complaint against Defendant Motorola Mobility LLC as follows:

THE PARTIES

1. Rosetta is a corporation organized and existing under the laws of Illinois. Rosetta was founded in 2000 to develop and market novel solutions to consumers’ wireless access problems. Rosetta has a principal place of business at 15522 Hawkhaven Road, Homer Glen, IL 60441.

2. Upon information and belief, Defendant Motorola Mobility LLC is a corporation organized and existing under the laws of Delaware, having a principal place of business at 222 W. Merchandise Mart Plaza, Suite 1800, Chicago, IL 60654. Motorola Mobility is registered to do business in Illinois and can be served with process through its registered agent, CT Corporation System, at 208 S. LaSalle St, Suite 814, Chicago, IL 60604. Motorola Mobility LLC is referred to in this Complaint as “Motorola.”

JURISDICTION AND VENUE

3. The court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) in that Defendant has done business in this District, has committed acts of infringement in this District, and continues to commit acts of infringement in this District, entitling Plaintiff to relief.

INFRINGEMENT

4. On December 12, 2006, United States Patent No. 7,149,511 (the “’511 Patent”) was issued for inventions titled “Wireless Intelligent Personal Server.” On January 10, 2012, an Ex Parte Reexamination Certificate was issued regarding Claims 1 and 58 of the ’511 Patent. Rosetta owns, and during all relevant times, has owned, all right, title and interest in the ’511 Patent, which is attached hereto as Exhibit A.

5. Upon information and belief, Defendant has infringed directly and continues to infringe directly the ’511 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, or offer for sale within the United States, or the importation into the United States of products that embody the patented invention, including the products listed for Defendant in the attached Exhibit B. Defendant is liable for infringement of the ’511 Patent pursuant to 35 U.S.C. § 271.

6. The acts of infringement by Defendant has caused damage to Rosetta, and Rosetta is entitled to recover from Defendant the damages sustained by Rosetta as a result of Defendant’s wrongful acts in an amount subject to proof at trial. The infringement of Rosetta’s exclusive rights under the ’511 Patent by Defendant has damaged and will continue to damage Rosetta, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this

Court.

7. To the extent required, Rosetta has complied with 35 U.S.C. § 287(a). Rosetta has never sold a product in the United States and is therefore not required itself to mark products, nor has it licensed the '511 Patent.

8. Upon information and belief, Defendant had knowledge of the '511 Patent no later than January 27, 2015, yet Defendant has continued to infringe said patent. The infringement of the '511 Patent by Defendant is willful, deliberate and unreasonable, and with full knowledge of the patent, entitling Rosetta to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

JURY DEMAND

9. Plaintiff hereby demands a trial by jury on all issues.

PRAYER FOR RELIEF

Wherefore, Rosetta requests entry of judgment in its favor and against Defendant as follows:

- a) A declaration that Defendant has infringed and is infringing the '511 Patent;
- b) An injunction against Defendant's continuing infringement;
- c) An award of damages to Rosetta arising out of Defendant's infringement of the '511 Patent, including enhanced damages pursuant to 35 U.S.C. § 284, together with prejudgment and post-judgment interest, in an amount according to proof;
- d) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- e) Costs and other relief as the Court may deem just and proper.

Date: November 24, 2015

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