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10 IXI MOBILE (R&D) LTD. and IXI IP, LLC

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 IXI MOBILE (R&D) LTD. and IXI IP,
14 LLC,

15 Plaintiffs,

16 v.

17 LENOVO GROUP LIMITED and
MOTOROLA MOBILITY LLC,

18 Defendants.

CASE NO. 5:15-cv-05439

COMPLAINT AND JURY DEMAND

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20 **COMPLAINT FOR PATENT INFRINGEMENT**

21 Plaintiffs IXI Mobile (R&D) Ltd. and IXI IP, LLC (collectively, “Plaintiffs”), for their
22 Complaint against Defendants Lenovo Group Limited and Motorola Mobility LLC, Inc.
23 (“Defendants” or “Lenovo”), allege as follows:

24 **NATURE OF THE ACTION**

25 1. This is an action arising under the patent laws of the U.S. (35 U.S.C. § 100 *et seq.*)
26 based upon Lenovo’s infringement of U.S. Patent No. 7,551,590.

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THE PARTIES

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2 2. IXI Mobile (R&D) Ltd. (“IXI”; formerly known as IXI Mobile (Israel) Ltd.) is a
3 company incorporated and registered under the laws of Israel with a registered address of 11
4 Moshe Levi Street Rishon Lezion 75658, Israel. IXI develops, makes, and sells wireless mobile
5 devices (e.g., cellular telephones and messaging devices) and related services. IXI previously
6 owned the patent at issue in this litigation (the “Patent-in-Suit”) and now has an exclusive license
7 to the Patent-in-Suit.

8 3. IXI IP, LLC (“IXI IP”) is a New York limited liability company with its principle
9 place of business located at 825 Third Avenue, 2nd Floor, New York, New York and with a
10 registered address of 1218 Central Avenue, Suite 100, Albany, NY 12205. IXI IP owns the
11 Patent-in-Suit. IXI IP has exclusively licensed the Patent-in-Suit to IXI.

12 4. Lenovo Group Limited (“Lenovo”) is a Chinese company with its principal offices
13 at No 6 Chuang Ye Road, Shangdi Information Industry Base, Haidian District, Beijing, 100085,
14 China. Lenovo sells wireless mobile devices and related services.

15 5. Motorola Mobility LLC (“Motorola”), a wholly owned subsidiary of Lenovo, is a
16 Delaware corporation with its principal place of business at 222 W. Merchandise Mart Plaza,
17 Suite 1800, Chicago, IL 60654. Motorola sells wireless mobile devices and related services.

JURISDICTION AND VENUE

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19 6. This is an action for patent infringement arising under the patent laws of the
20 United States, 35 U.S.C. § 1 *et seq.*, including, but not limited to, 35 U.S.C. § 271.

21 7. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

22 8. The Court has personal jurisdiction over Lenovo because, among other things,
23 Lenovo has committed and continues to commit acts of patent infringement within the U.S. and
24 this Judicial District, in violation of 35 U.S.C. § 271.

25 9. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and
26 1400(b) because Lenovo has committed and continues to commit acts of patent infringement in
27 this Judicial District, has induced and are continuing to induce others to infringe the Patent-in-
28 Suit in this District, provides a substantial volume of goods to this District, and does a substantial

1 amount of business within this District, and thus has purposefully availed themselves of the
2 privilege of conducting business within the State of California and this Judicial District.

3 **BACKGROUND**

4 10. This dispute involves various technology relating to wireless networking and
5 mobile devices, including mobile hotspot technology (e.g., sharing the cellular internet
6 connection of a smart phone with wireless local devices such as tablets, laptops, and smart TVs),
7 application sharing technology (e.g., sharing services such as media, gaming, and other
8 application services among wireless devices in a network created by a smart phone), and
9 application management technology (e.g., providing tablets and other wireless local devices with
10 the ability to add, update or otherwise manage the shared application services).

11 11. IXI was formed in 2000 and develops phone operating systems and messaging
12 devices.

13 12. IXI filed patent applications describing its technological developments in the field
14 of mobile communications. The Patent-in-Suit is among the patents issued to IXI by the U.S.
15 Patent and Trademark Office (USPTO).

16 **THE PATENT-IN-SUIT**

17 13. IXI IP is the owner, by assignment, of United States Patent No. 7,551,590 (the
18 “’590 Patent”), titled “Wireless Device having a Single Processor in a Short-Range Radio
19 Network,” which duly and legally issued on June 23, 2009. The ’590 Patent covers devices and
20 systems that include mobile hotspot technology (e.g., sharing the cellular internet connection of a
21 smart phone with wireless local devices such as smartphones, tablets, and smart TVs), application
22 sharing technology (e.g., sharing services such as media, gaming, and other application services
23 among wireless devices in a network created by a smart phone), and application management
24 technology (e.g., providing tablets and other wireless local devices with the ability to add, update
25 or otherwise manage the shared application services). IXI Mobile is the exclusive licensee of the
26 ’590 Patent. A copy of the ’590 Patent is attached as **Exhibit A**.

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LENOVO’S INFRINGEMENT

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14. As described below, Lenovo infringes each of the claims of the Patent-in-Suit directly (alone or jointly) and/or indirectly by contributing to and/or inducing direct infringement by others by making, using, offering for sale, importing into the United States, and/or encouraging the manufacture, use, and sale of devices and/or services. For example, Lenovo smartphones (e.g., Motorola’s Droid series, Moto G series, Moto X series, Moto E series, and Nexus 6.), tablets (e.g., Xoom series) and watches (e.g., Moto 360 series) (collectively, the “Accused Products”) embody (in whole or in part) the apparatuses or practice the methods claimed by the Patent-in-Suit. The Accused Products meet the limitations of the Patent-in-Suit literally and/or under the doctrine of equivalents.

15. On information and belief, Lenovo has been aware of the Patent-in-Suit prior to the filing of this lawsuit. The fields of mobile hotspots, wireless local networking, cellular telephony, and Internet connectivity are covered by many United States patents and patent applications claiming various aspects of these technologies, and it is a routine practice in these fields for major manufacturers and service providers to canvass United States patents and pending patent applications in order to identify those which may be relevant to a product or service to be made, used, sold, or offered for sale in, or imported into the United States prior to commencing such making, use, selling, offering, or importing. In researching the patentability of their patents, Lenovo should have become aware of all of the Patent-in-Suit.

16. In addition, Lenovo received actual notice of its infringement of the Patent-in-Suit at least as early as the date of service of this complaint. Therefore, Lenovo was aware of the Patent-in-Suit or willfully blinded themselves as to the existence of the Patent-in-Suit and made, used, sold, offered to sell, imported and/or encouraged the making, using, selling, offering to sell, or importing of the Accused Products despite knowing of an objectively high likelihood that its actions constituted infringement of the Patent-in-Suit at all times relevant to this suit.

(INFRINGEMENT OF THE ’590 PATENT)

17. The allegations of every preceding item in this Complaint are incorporated herein by reference.

1 18. Lenovo has and continues to directly infringe alone or jointly, literally and/or
2 under the doctrine of equivalents, because it has and continues to make, use, offer for sale, sell,
3 and/or import the Accused Products in the United States without the authority of the owner of the
4 '590 Patent in violation of 35 U.S.C. § 271(a).

5 19. Despite its knowledge or willful blindness of the '590 Patent described above,
6 Lenovo has intentionally and actively induced others, such as its customers, end users, mobile
7 network operators, distributors, and/or retailers, to make, use, offer for sale, sell, and/or import
8 the Accused Products without the authority of the owner of the '590 Patent in violation of 35
9 U.S.C. § 271(b), for example through joint business planning, the provision of advertisements,
10 technical specifications, instructional and/or promotional materials provided in connection with
11 the Accused Products, including for example the associated user manuals and other materials that
12 instruct and encourage the purchaser to use the products in a manner that Lenovo knows to
13 infringe.

14 20. Despite its knowledge or willful blindness of the '590 Patent described above,
15 Lenovo has and continues to sell, offer for sale, and/or import into United States Accused
16 Products without the authority of the owner of the '590 Patent in violation of 35 U.S.C. § 271(c).

17 21. On information and belief, Lenovo knew at all times relevant to this Complaint
18 that Accused Products are especially made or especially adapted for use in the inventions claimed
19 by the '590 Patent and are not staple articles of commerce suitable for non-infringing use.

20 22. IXI and IXI IP have sustained, are sustaining, and will continue to sustain damages
21 owing to Lenovo's infringement of the '590 Patent.

22 23. Lenovo's infringement of the '590 Patent is continuing and is expected to continue
23 unless enjoined by this Court. IXI and IXI IP do not have an adequate remedy at law, will be
24 irreparably harmed if Lenovo's infringement of the '590 Patent is permitted to continue, and are
25 therefore entitled to an injunction against further infringement by Lenovo pursuant to 35 U.S.C. §
26 283.

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JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all issues properly so triable.

Dated: November 25, 2015

HOPKINS & CARLEY
A Law Corporation

By: /s/ John V. Picone III
John V. Picone III
Attorneys for Plaintiffs
IXI MOBILE (R&D) LTD. and IXI IP,
LLC