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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

NOVA INTELLECTUAL
SOLUTIONS, LLC, a Texas limited
liability company,

Plaintiff,

v.

HUAWEI DEVICE (HONG KONG)
CO., LTD, a China corporation, and
HUAWEI DEVICE USA INC., a
Texas corporation,

Defendants.

'16CV1017 AJB NLS

**PLAINTIFF'S ORIGINAL
COMPLAINT FOR PATENT
INFRINGEMENT**

Jury Trial Demanded

Plaintiff Nova Intellectual Solutions, LLC files this complaint against Huawei Device (Hong Kong) Co., Inc. and Huawei Device USA Inc. (collectively "Defendants") for infringement of U.S. Patent No. 8,208,517.

THE PARTIES

1. Nova Intellectual Solutions, LLC ("NIS" or "Plaintiff") is a Texas limited liability company with its principal place of business at 8616 Turtle Creek Boulevard, Suite 521, Dallas, Texas 75225. NIS is the owner by assignment of U.S. Patent No. 8,208,517 ("the '517 patent").

2. On information and belief, Huawei Device (Hong Kong) Co., Inc. is a company incorporated in China located at 99 Queen's Road Central, Room 3610-12, 36/F, The Center Central, Hong Kong, Hong Kong. Huawei may be served with process in Japan pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. This Defendant does business in the State of California and in the Southern District of California.

3. On information and belief, Huawei Device USA Inc. (with Huawei Device (Hong Kong) Co., Inc. "Huawei") is a Texas corporation with its principal

1 place of business at 5700 Tennyson Pkwy #500, Plano, Texas 75024. This
2 Defendant may be served with process through its agent, CT Corporation System,
3 1999 Bryan St., Ste. 900, Dallas, Texas 75201. This Defendant does business in
4 the State of California and in the Southern District of California.

5 **JURISDICTION AND VENUE**

6 4. NIS brings this action for patent infringement under the patent laws of the
7 United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This
8 Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

9 5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(d) and
10 1400(b). On information and belief, Huawei transacts business in this District. Huawei
11 Device (Hong Kong) Co., Ltd is an alien that conducts business in this District
12 through its wholly-owned subsidiary Huawei Device USA Inc. On information and
13 belief, Huawei has committed acts of infringement in this District. The '517 patent
14 was formerly owned by, and formerly assigned to, Novatel Wireless, which is
15 headquartered in this District.

16 6. Each Defendant is subject to this Court's specific and general personal
17 jurisdiction pursuant to due process and/or the California Long Arm Statute, due at
18 least to its substantial business in this State and judicial district, including: (A) at
19 least part of its infringing activities alleged herein; and (B) regularly doing or
20 soliciting business, engaging in other persistent conduct, and/or deriving
21 substantial revenue from goods sold and services provided to California residents.

22 **COUNT I**

23 **(Patent Infringement - U.S. Patent No. 8,208,517)**

24 7. NIS incorporates paragraphs 1 through 6 herein by reference.

25 8. This cause of action arises under the patent laws of the United States, and in
26 particular, 35 U.S.C. §§ 271, *et seq.*

27 9. NIS is the owner of the '517 patent, entitled "Systems and Methods For A
28 Multi-Mode Wireless Modem," with ownership of all substantial rights in the '517

1 patent, including the right to exclude others and to enforce, sue, and recover damages
2 for past and future infringement. A true and correct copy of the '517 patent is
3 attached as Exhibit A.

4 10. The '517 patent is valid, enforceable and was duly issued in full compliance
5 with Title 35 of the United States Code.

6 **DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

7 11. Defendants have directly infringed, and continue to directly infringe, one or
8 more claims of the '517 patent in this judicial district and elsewhere in California and
9 the United States.

10 12. Defendants have infringed the '517 patent, by using, selling, and/or offering
11 to sell, within the United States, and/or by importing into the United States, products,
12 including, but not limited to, mobile data hot spots and data modems, which embody
13 and/or practice at least claim 1 of the '517 patent by providing a wireless gateway
14 device which allows multiple wireless devices to access the internet through a wireless
15 communication system in violation of 35 U.S.C. § 271 (the "Accused Products"). The
16 Accused Products include, but are not limited to, P8 Lite, Prism II, myTouch,
17 myTouch Q, myTouch Q2, Ascend, Fusion 3, Fusion 2, and Express.

18 13. Defendants are liable for these direct infringements pursuant to 35 U.S.C. §
19 271.

20 **WHEREFORE**, NIS asks that the Court find in its favor and against
21 Defendants, and that the Court grant NIS the following relief:

- 22 a. Judgment that one or more claims of the '517 patent has been infringed,
23 either literally and/or under the doctrine of equivalents, by one or more
24 Defendants;
- 25 b. Judgment that Defendants account for and pay to NIS all damages and
26 costs incurred by NIS because of Defendants' infringing activities and
27 other conduct complained of herein;
- 28 c. Judgment that Defendants account for and pay to NIS a reasonable, on-

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going, post judgment royalty because of Defendants’ infringing activities and other conduct complained of herein;

d. That NIS be granted pre judgment and post judgment interest on the damages caused by Defendants’ infringing activities and other conduct complained of herein; and

e. That NIS be granted such other and further relief as the Court may deem just and proper under the circumstances

Dated: April 26, 2016

GARTMAN LAW GROUP, P.C.

By: /s/ John E. Gartman
John E. Gartman

Attorney for Plaintiff Nova Intellectual Solutions, LLC

REQUEST FOR TRIAL BY JURY

Plaintiffs claim trial by jury on all issues so triable.

Dated: April 26, 2016

GARTMAN LAW GROUP, P.C.

By: /s/ John E. Gartman
John E. Gartman

Attorney for Plaintiff Nova Intellectual Solutions, LLC