

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

CASE NO:

FUNDAMENTAL INNOVATION
SYSTEMS INTERNATIONAL LLC,

Plaintiff,

vs.

BLU PRODUCTS, INC.,

Defendant.

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT
AND JURY DEMAND**

Plaintiff Fundamental Innovation Systems International LLC (“Plaintiff” or “Fundamental”), brings this action against Defendants Blu Products, Inc. (“Defendant” or “Blu”) to prevent Blu’s continued infringement of Plaintiff’s patents without authorization and to recover damages resulting from such infringement.

PARTIES

1. Plaintiff is a Delaware limited liability company with a place of business located at 2990 Long Prairie Road, Suite B, Flower Mound, Texas 75022.

2. Plaintiff is the owner by assignment of all right, title, and interest in U.S. Patent Nos. 7,239,111 (the “’111 Patent”), 8,624,550 (the “’550 Patent”), 7,834,586 (the “’586 Patent”), 8,232,766 (the “’766 Patent”), and 7,986,127 (the “’127 Patent”) (collectively, the “Patents-in-Suit”).

3. On information and belief, Blu is a Florida corporation with a place of business at 10814 NW 33rd Street, Doral FL, 33172. Blu may be served through its registered agent Bernard Egozi, at 2999 NE 191st St. #407, Aventura, Florida 33180.

4. On information and belief, Blu directly and/or indirectly imports, develops, designs, manufactures, uses, distributes, markets, offers to sell and/or sells products and services in the United States, including in this district, and otherwise purposefully directs activities to the same.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States of America, 35 U.S.C. § 1, *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Blu based at least on its incorporation in the State of Florida.

7. Venue is proper in this judicial district under 28 U.S.C. § 1400(b) because Blu is incorporated in, and therefore resides in, the State of Florida and this judicial district.

FACTUAL ALLEGATIONS

The Patents-in-Suit

8. The Patents-in-Suit relate to, among other things, novel techniques for using Universal Serial Bus (“USB”) in connection with mobile devices to both facilitate data communication and allow for the charging of certain classes of devices. This technology represented a fundamental break from previous techniques for mobile device charging and has provided for faster charging times, longer battery life, improved user experiences and a dramatic increase in performance and features.

9. The Patents-in-Suit resulted from a large scale research and development program at Research In Motion Limited (“RIM”), later reorganized as BlackBerry® Limited (“BlackBerry®”). At the time of the inventions, RIM was a global leader and pioneer in the field of wireless mobile communications. The company was founded in 1984 and revolutionized the mobile industry when it launched the BlackBerry® 850 in 1999. Fundamental is responsible for protecting and licensing seminal BlackBerry® innovations in the field of USB charging.

10. The value of the inventions claimed by the Patents-in-Suit has been widely recognized. Over thirty companies have taken licenses to the Patents-in-Suit, including many of Blu's competitors.

Blu's Accused Products and Infringement

11. On information and belief, Blu makes, uses, sells, offers for sale and/or imports infringing mobile devices in the United States, including but not limited to the V9, V7, C6L, C6, C5L, C5, C5 Plus, C4, G60, G70, G9, G9 Pro, G5, G5 Plus, G6, G8, Vivo XI, Vivo XI+, Vivo 8, Vivo 8L, Vivo X5, Vivo XL5, Vivo 5, Vivo 5 Mini, Vivo 5R, Vivo 6, Vivo Go, Vivo One, Vivo X, Vivo XL, Vivo XL2, Vivo XL3, Vivo XL3 Plus, Vivo XL4, View 1, Pure View, Pure XR, R1 HD, R2, R2 Plus, S1, Dash XL, Dash L4, Dash L5, Studio, Studio X8, Studio X9, Studio G Mini, Studio G2, Studio G3, Studio G4, Studio J8, Studio Mega, Studio Pro, Studio View, Studio XL, J2, J4, J6, Advance L5, Advance L4, Tank Extreme, Grand 5.5, Grand Energy, Grand M, Grand M2, Grand M3, Grand Max, Grand Mini, Grand X, Grand XL, Life Max, Life One X3, and other models that include similar functionality ("Accused Mobile Devices"). On information and belief, Blu makes, uses, sells, offers for sale and/or imports infringing charging adapters in the United States for use with the Accused Mobile Devices, including but not limited to model numbers BLU US-CR-2000, BLU US-KB-2000, BLU US-CR-1000, and other models that include similar functionality ("Accused Charging Adapters").

12. The Accused Mobile Devices and Accused Charging Adapters are referred to herein as "the Accused Products."

13. The Accused Mobile Devices include USB interfaces, USB communication paths and charging sub-systems that are operably connected to the USB interface. The charging sub-systems are configured to receive power and use the power to charge a battery. The mobile devices are able to detect an identification signal received via the USB interface, which may be an abnormal USB data condition and is different than USB enumeration, such as a voltage on the D+ line and on the D- line of the USB communication path. The identification signal enables the mobile device to draw current unrestricted by a USB specification limit.

14. The Accused Charging Adapters are USB charging adapters that are designed to provide power to a mobile device. The charging adapters include a Vbus line and a USB communication path. The charging adapters are configured to generate an identification signal, such as a voltage on a D+ line and on a D- line, that indicates to the mobile device that it is receiving power from a source that is not a USB host or hub. The charging adapters are able to supply current to a mobile device without regard to at least one associated condition specified in a USB specification. The charging adapters also receive power from a power socket and include a power converter that regulates the received power to generate a DC power output.

Blu's Knowledge of the Patents-in-Suit and Infringement

15. On February 11, 2016, Fundamental sent a letter to Blu, which indicated that Fundamental owned the Patents-in-Suit and suggested to Blu that it should take a license. Fundamental also provided Blu with claim charts demonstrating how Blu infringed the Patents-in-Suit at least as early as June 7, 2017. Fundamental sent additional correspondence to Blu on numerous occasions requesting meetings in order to discuss the terms of a license. Blu has not provided Fundamental with any basis for believing that it did not infringe the Patents-in-Suit.

16. After having received notice of the Patents-in-Suit, Blu has continued to make, use, sell, offer for sale, and import into the United States the Accused Products. Blu's making, using, selling, offering to sell and importing of the Accused Products into the United States constitute direct infringement under 35 U.S.C. § 271(a). On information and belief, Blu also directly infringes one or more method claims in the Patents-in-Suit by testing, repairing, and using the Accused Products in the United States.

17. After having received notice of the Patents-in-Suit, Blu has continued to make, use, sell, offer for sale, and import into the United States the Accused Products with knowledge that these Accused Products are a material part of inventions claimed by the Patents-in-Suit and are especially made or adapted for use in an infringement of the Patents-in-Suit. On information and belief, Blu knows that the Accused Products are not a staple article or commodity of commerce suitable for substantial non-infringing use. Blu's actions contribute to the direct

infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c). For example, the Accused Charging Adapters are a component of a patented machine, manufacture, or combination, or an apparatus for use in practicing a patented process. Furthermore, such components are a material part of the invention and are not a staple article or commodity of commerce suitable for substantial non-infringing use.

18. After having received notice of the Patents-in-Suit, Blu continued to advertise and distribute the Accused Products, offer technical assistance, and publish user manuals, specifications, promotional literature or instructions to customers, partners, and/or end users, advising them to use the Accused Products in a manner that directly infringes the Patents-in-Suit. On information and belief, by such acts, Blu actively induced, and continues to actively induce, direct infringement of the Patents-in-Suit, in violation of 35 U.S.C. § 271(b). For example, Blu's customers who purchase the Accused Products and operate the Accused Products in accordance with instructions provided by Blu, directly infringe one or more claims of the Patents-in-Suit. Blu provides such instructions through, for example, user guides and manuals, including but not limited to user guides and manuals located at <https://bluproducts.com/manuals/>.

19. On information and belief, Blu has further actively induced infringement by remaining willfully blind to its customers' infringement despite believing there to be a high probability its customers, among others, infringe the Patents-in-Suit.

FIRST CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,239,111)

20. Fundamental re-alleges and incorporates by reference the allegations of the paragraphs 1 through 19 of this Complaint as if fully set forth herein.

21. The '111 Patent, titled "Universal Serial Bus Adapter for a Mobile Device," was duly and legally issued on July 3, 2007. A true and correct copy of the '111 Patent is attached as Exhibit A.

22. The '111 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher,

Quang A. Luong, and Jonathan T. Malton as co-inventors.

23. The '111 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '111 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

24. On information and belief, Blu has been, and currently is, directly infringing the '111 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Charging Adapters. On information and belief, Blu's products infringe at least claim 1 of the '111 Patent.

25. The Accused Charging Adapters are charging adapters that are able to provide power to a mobile device. The products include a plug unit that can be plugged into an electrical socket to receive energy from the socket. The Accused Charging Adapters include a power converter that converts AC voltage from an electrical outlet to a 5.0v DC voltage that can be output from the charging adapter.



26. The Accused Charging Adapters include an identification subsystem that is configured to generate an identification signal that consists of voltages on D+ and D- lines. These voltages indicate to a mobile device that the power socket is not a USB host or hub.

27. The Accused Charging Adapters also include a USB connector, e.g., a type A connector, that is coupled to the power converter through a Vbus line and to the identification

subsystem. The USB connector is configured to couple the power output and identification signal to a mobile device, through a USB cable.



28. On information and belief, Blu has been, and currently is, inducing infringement of the '111 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Charging Adapters in the United States, or to import the Accused Charging Adapters into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Blu's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '111 patent. Blu induces others to infringe the '111 Patent by encouraging and facilitating others to perform actions that Blu knows to be acts of infringement of the '111 Patent with intent that those performing the acts infringe the '111 Patent.

29. On information and belief, Blu has been, and currently is, contributorily infringing the '111 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '111 Patent, are known by Blu to be especially made or especially adapted for use in infringement of the '111 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Charging Adapters. Blu's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Charging Adapters, in violation of 35 U.S.C. § 271(c).

30. As a result of Blu's infringement of the '111 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Blu's wrongful acts in an amount to be determined.

31. In addition, Blu's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

32. On information and belief, Blu has had actual knowledge of its infringement of the '111 Patent since no later than June 7, 2017. On information and belief, Blu's infringement of the '111 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

SECOND CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 8,624,550)

33. Fundamental re-alleges and incorporates by reference the allegations of the paragraphs 1 through 19 of this Complaint as if fully set forth herein.

34. The '550 Patent, titled "Multifunctional Charger System and Method," was duly and legally issued on January 7, 2014. A true and correct copy of the '550 Patent is attached as Exhibit B.

35. The '550 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

36. The '550 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '550 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

37. Blu has been, and currently is, directly infringing the '550 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Charging Adapters. On information and belief, Blu's products infringe at least claim 1 of the '550 Patent.

38. The Accused Charging Adapters are charging adapters that include a USB VBUS line and D+/D- lines that are a USB communication path.



39. When connected to a mobile device, the Accused Charging Adapters generate voltages on the D+ and D- lines.

40. The Accused Charging Adapters are configured to supply current on the VBUS line of greater than 500 mA, which is without regard to the current limits in the USB specification.

41. On information and belief, Blu has been, and currently is, inducing infringement of the '550 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Charging Adapters in the United States, or to import the Accused Charging Adapters into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Blu's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '550 patent. Blu induces others to infringe the '550 Patent by encouraging and facilitating others to perform actions that Blu knows to be acts of infringement of the '550 Patent with intent that those performing the acts infringe the '550 Patent.

42. On information and belief, Blu has been, and currently is, contributorily infringing the '550 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '550 Patent, are known by Blu to be especially made or especially

adapted for use in infringement of the '550 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Charging Adapters. Blu's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Charging Adapters, in violation of 35 U.S.C. § 271(c).

43. As a result of Blu's infringement of the '550 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Blu's wrongful acts in an amount to be determined.

44. In addition, Blu's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

45. On information and belief, Blu has had actual knowledge of its infringement of the '550 Patent since no later than June 7, 2017. On information and belief, Blu's infringement of the '550 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

THIRD CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,834,586)

46. Fundamental re-alleges and incorporates by reference the allegations of the paragraphs 1 through 19 of this Complaint as if fully set forth herein.

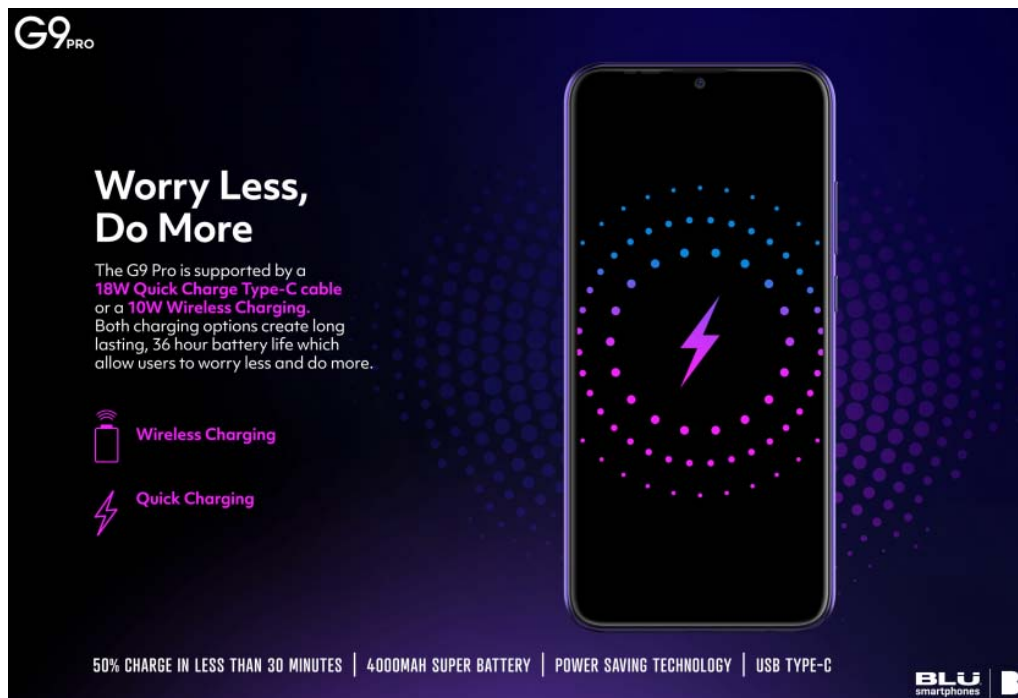
47. The '586 Patent, titled "Multifunctional Charger System and Method," was duly and legally issued on November 16, 2010. A true and correct copy of the '586 Patent is attached as Exhibit C.

48. The '586 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

49. The '586 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '586 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

50. Blu has been, and currently is, directly infringing the '586 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Mobile Devices. On information and belief, Blu's products infringe at least claim 1 of the '586 Patent.

51. The Accused Mobile Devices are mobile devices that include a USB interface configured to allow reception of a USB cable through electrical connections in a connector on the device:



52. For example, the Accused Mobile Devices can be connected to a computer through a USB cable and communicate using the USB protocol:

USB Storage

Open USB Storage

Connect your phone to a computer using a USB cable. Once connected, a connection interface will appear on the notification settings. Click the USB notification bar icon to access the USB computer connection menu and select the desired setting.

G9 Pro User Guide, p. 88.

53. The Accused Mobile Devices receive power on a Vbus line of the USB interface,

which is operably connected to a charging subsystem that includes a power management chip and/or charging chip. The charging subsystem is also connected to a battery and is configured to charge the battery using power supplied to the mobile device on the Vbus.

54. The Accused Mobile Devices are capable of detecting an identification signal at a D+ and a D- data line of the USB interface, the identification signal being different than USB enumeration. Specifically, when connected to a charging adapter, the Accused Mobile Devices detect voltages on the D+ and D- lines that are different than USB enumeration.

55. On information and belief, Blu has been, and currently is, inducing infringement of the '586 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Mobile Devices in the United States, or to import the Accused Mobile Devices into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Blu's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '586 patent. Blu induces others to infringe the '586 Patent by encouraging and facilitating others to perform actions that Blu knows to be acts of infringement of the '586 Patent with intent that those performing the acts infringe the '586 Patent.

56. On information and belief, Blu has been, and currently is, contributorily infringing the '586 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '586 Patent, are known by Blu to be especially made or especially adapted for use in infringement of the '586 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Mobile Devices. Blu's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Mobile Devices, in violation of 35 U.S.C. § 271(c).

57. As a result of Blu's infringement of the '586 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Blu's wrongful acts in an amount to be determined.

58. In addition, Blu's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

59. On information and belief, Blu has had actual knowledge of its infringement of the '586 Patent since no later than June 7, 2017. On information and belief, Blu's infringement of the '586 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

FOURTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 8,232,766)

60. Fundamental re-alleges and incorporates by reference the allegations of the paragraphs 1 through 19 of this Complaint as if fully set forth herein.

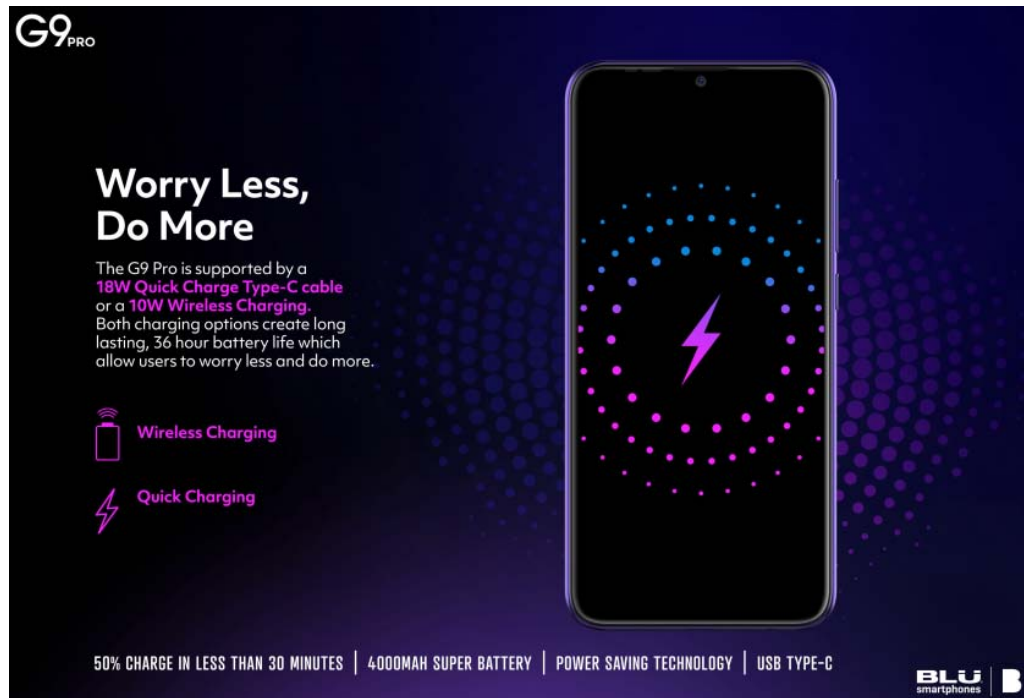
61. The '766 Patent, titled "Multifunctional Charger System and Method," was duly and legally issued on July 31, 2012. A true and correct copy of the '766 Patent is attached as Exhibit D.

62. The '766 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

63. The '766 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '766 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

64. Blu has been, and currently is, directly infringing the '766 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Mobile Devices. On information and belief, Blu's products infringe at least claim 1 of the '766 Patent.

65. The Accused Mobile Devices are mobile devices that include D+ and D- lines that are a USB communication path:



66. The D+ and D- lines in the Accused Mobile Devices can be connected to a USB 2.0 port on a PC to communicate data with the PC:

USB Storage

Open USB Storage

Connect your phone to a computer using a USB cable. Once connected, a connection interface will appear on the notification settings. Click the USB notification bar icon to access the USB computer connection menu and select the desired setting.

G9 Pro User Guide, p. 88.

67. The Accused Mobile Devices also have a charging subsystem, which includes a power management chip and/or charging chip, that is enabled to draw current unrestricted by at least one predetermined USB Specification limit. The enablement is in response to the detection of voltages on the D+ and D- lines.

68. The voltages are an abnormal USB data condition because normal USB data conditions involve differential signaling, and not signals where both the D+ and D- are driven high.

69. On information and belief, Blu has been, and currently is, inducing infringement of the '766 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Mobile Devices in the United States, or to import the Accused Mobile Devices into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Blu's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '766 patent. Blu induces others to infringe the '766 Patent by encouraging and facilitating others to perform actions that Blu knows to be acts of infringement of the '766 Patent with intent that those performing the acts infringe the '766 Patent.

70. On information and belief, Blu has been, and currently is, contributorily infringing the '766 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '766 Patent, are known by Blu to be especially made or especially adapted for use in infringement of the '766 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Mobile Devices. Blu's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Products, in violation of 35 U.S.C. § 271(c).

71. As a result of Blu's infringement of the '766 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Blu's wrongful acts in an amount to be determined.

72. In addition, Blu's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

73. On information and belief, Blu has had actual knowledge of its infringement of the '766 Patent since no later than June 7, 2017. On information and belief, Blu's infringement of the '766 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

FIFTH CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 7,986,127)

74. Fundamental re-alleges and incorporates by reference the allegations of the paragraphs 1 through 19 of this Complaint as if fully set forth herein.

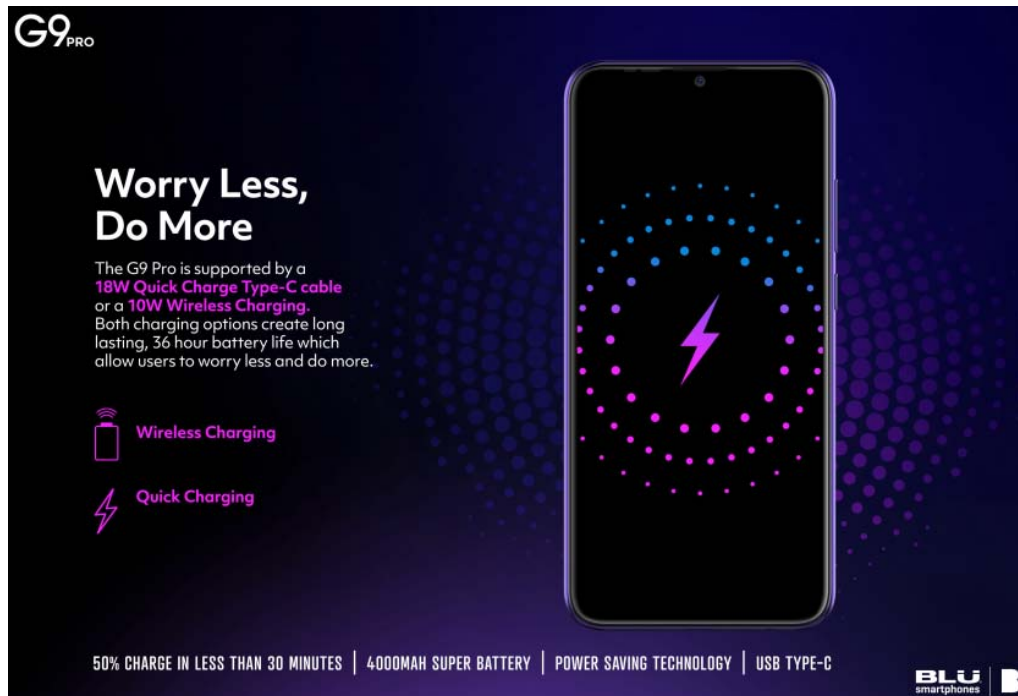
75. The '127 Patent, titled "Communication Device With A USB Port For Charging," was duly and legally issued on July 26, 2011. A true and correct copy of the '127 Patent is attached as Exhibit E.

76. The '127 Patent names Daniel M. Fischer, Dan G. Radut, Michael F. Habicher, Quang A. Luong, and Jonathan T. Malton as co-inventors.

77. The '127 Patent has been in full force and effect since its issuance. Fundamental owns by assignment the entire right, title, and interest in and to the '127 Patent, including the exclusive right to seek damages for past, current and future infringement thereof.

78. Blu has been, and currently is, directly infringing the '127 Patent by making, using, selling, offering to sell, and/or importing into the United States the Accused Mobile Devices. On information and belief, Blu's products infringe at least claim 1 of the '127 Patent.

79. The Accused Mobile Devices are mobile communication devices that include a charging subsystem. The Accused Mobile Devices include a USB port:



80. The USB port in the identified products is capable of detecting an identification signal and in response drawing current without waiting for enumeration. Specifically, when connected to a charging adapter, the Accused Mobile Devices detect voltages on the D+ and D- lines that are different than USB enumeration and in response are able to draw current in excess of 500 mA.

81. On information and belief, Blu has been, and currently is, inducing infringement of the '127 Patent, in violation of 35 U.S.C. § 271(b), by knowingly encouraging or aiding others to make, use, sell, or offer to sell the Accused Mobile Devices in the United States, or to import the Accused Mobile Devices into the United States, without license or authority from Fundamental, with knowledge of or willful blindness to the fact that Blu's actions will induce others, including but not limited to its customers, partners, and/or end users, to directly infringe the '127 patent. Blu induces others to infringe the '127 Patent by encouraging and facilitating others to perform actions that Blu knows to be acts of infringement of the '127 Patent with intent that those performing the acts infringe the '127 Patent.

82. On information and belief, Blu has been, and currently is, contributorily

infringing the '127 Patent, in violation of 35 U.S.C. § 271(c), by selling or offering for sale, in this judicial district and throughout the United States, components that embody a material part of the inventions described in the '127 Patent, are known by Blu to be especially made or especially adapted for use in infringement of the '127 Patent, and are not staple articles of commerce or commodities suitable for substantial, non-infringing use, including at least the Accused Mobile Devices. Blu's actions contribute to the direct infringement of the Patents-in-Suit by others, including customers of the Accused Mobile Devices, in violation of 35 U.S.C. § 271(c).

83. As a result of Blu's infringement of the '127 Patent, Fundamental has been damaged. Fundamental is entitled to recover for damages sustained as a result of Blu's wrongful acts in an amount to be determined.

84. In addition, Blu's infringing acts have caused and are causing immediate and irreparable harm to Fundamental.

85. On information and belief, Blu has had actual knowledge of its infringement of the '127 Patent since no later than June 7, 2017. On information and belief, Blu's infringement of the '127 Patent has been and continues to be deliberate and willful, and, therefore, this is an exceptional case warranting an award of treble damages and attorney's fees to Fundamental pursuant to 35 U.S.C. §§ 284-285.

PRAYER FOR RELIEF

WHEREFORE, Fundamental prays for judgment against Blu as follows:

- A. That Blu has infringed, and continues to infringe, each of the Patents-in-Suit;
- B. That Blu pay Fundamental damages adequate to compensate Fundamental for Blu's infringement of the Patents-in-Suit, together with interest and costs under 35 U.S.C. § 284;
- C. That Blu be ordered to pay pre-judgment and post-judgment interest on the damages assessed;
- D. That Blu be ordered to pay supplemental damages to Fundamental, including interest, with an accounting, as needed;

E. That Blu's infringement is willful and that the damages awarded to Fundamental should be trebled;

F. That this is an exceptional case under 35 U.S.C. § 285 and that Blu pay Fundamental's attorney's fees and costs in this action;

G. That Blu be enjoined from directly and indirectly infringing the Patents-in-Suit; and

H. That Fundamental be awarded such other and further relief, including other monetary and equitable relief, as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Fundamental hereby demands a trial by jury on all issues triable by jury.

Dated: April 24, 2020

/s/ Edward M. Mullins _____

Edward Mullins

emullins@reedsmith.com

Fla. Bar. No. 863920

Ana M. Barton

abarton@reedsmith.com

Fla. Bar. No. 85721

REED SMITH LLP

1001 Brickell Bay Drive, 9th Floor

Miami, Florida 33131

Tel. (786) 747-0203

Fax (786) 747-0299

and

Edward J. DeFranco (pro hac vice forthcoming)

eddefranco@quinnemanuel.com

Brian P. Biddinger (pro hac vice forthcoming)

brianbiddinger@quinnemanuel.com

Joseph Milowic (pro hac vice forthcoming)

josephmilowic@quinnemanuel.com

QUINN EMANUEL URQUHART &

SULLIVAN LLP

51 Madison Avenue, 22nd Floor

New York, NY 10010

Tel. (212) 849-7000

Fax (212) 849-7100

Kevin P.B. Johnson (pro hac vice forthcoming)

**QUINN EMANUEL URQUHART &
SULLIVAN LLP**

555 Twin Dolphin Drive, 5th Floor

Redwood Shores, CA 94065

Tel. (650) 801-5000

Fax (650) 801-5100

kevinjohnson@quinnemanuel.com

*Attorneys for Plaintiff Fundamental Innovation
Systems International LLC*