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DISTRICT OF UTAH  
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IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE  
DISTRICT OF UTAH, CENTRAL DIVISION

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WILSON ELECTRONICS, INC.,	)	
	)	<b>COMPLAINT FOR DECLARATORY</b>
Plaintiff,	)	<b>JUDGMENT OF INVALIDITY AND</b>
	)	<b>NON-INFRINGEMENT OF U.S.</b>
vs.	)	<b>PATENT NOS. 6,215,451 AND</b>
	)	<b>4,839,660</b>
ALLEN TELECOM, INC.	)	
	)	
	)	Civil No. <b>2:02CV-0220J</b>
Defendant.	)	Judge

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**FIRST CAUSE OF ACTION FOR DECLARATORY  
JUDGMENT OF INVALIDITY AND NON-INFRINGEMENT  
OF U.S. PATENT NO. 6,215,451**

Plaintiff Wilson Electronics, Inc. alleges:

1. Plaintiff Wilson Electronics, Inc. is a Utah corporation having its principal place of business at 3301 E. Deseret Dr., St. George, UT 84790.

2. Upon information and belief, Defendant Allen Telecom, Inc. is a Delaware corporation, having its principal place of business at 25101 Chagrin Blvd., Beachwood, Ohio 44122.

3. This is an action arising under an Act of Congress relating to patents, and the court has jurisdiction under 28 USC §§ 1331 and 1338(a).

4. Defendant is subject to personal jurisdiction in this District, and venue is proper under 28 USC § 1391(c).

5. upon information and belief, Defendant is the owner, by assignment, of U.S. Patent No. 6,215,451, entitled "Dual-Band Glass-Mounted Antenna," issued April 10, 2001.

6. Defendant has charged that Plaintiff is infringing U.S. Patent No. 6,215,451, and Plaintiff has a real and reasonable apprehension that it will be sued for infringement, so there is a case of actual controversy within the jurisdiction of this Court, and it may declare the rights and legal obligations of Plaintiff under 28 U.S.C. §§ 2201 and 2202.

7. U.S. Patent No. 6,215,451, and each and every claim, is invalid, because the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art, to which said subject matter pertains, under 35 U.S.C. §103(a).

8. U.S. Patent No. 6,215,451, and each and every claim, is invalid because the specification does not contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to

enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, under 35 U.S.C. §112, first paragraph.

9. U.S. Patent No. 6,215,451, and each and every claim, is invalid because the specification does not conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention, under 35 U.S.C. §112, second paragraph.

10. Plaintiff has not infringed, and is not infringing, U.S. Patent No. 6,215,451.

**SECOND CAUSE OF ACTION FOR DECLARATORY  
JUDGMENT OF INVALIDITY AND NONINFRINGEMENT  
OF U.S. PATENT NO. 4,839,660**

11. The allegations of paragraphs 1-4 are hereby incorporated by reference in the Second Cause of Action.

12. Upon information and belief, Defendant is the owner, by assignment, of U.S. Patent No. 4,839,660, entitled "Cellular Mobile Communication Antenna," issued June 1, 1989.

13. Defendant has charged that Plaintiff is infringing U.S. Patent No. 4,839,660, and Plaintiff has a real and reasonable apprehension that it will be sued for infringement. So, there is a case of actual controversy within the jurisdiction of this Court, and it may declare the rights and legal obligations of Plaintiff under 28 U.S.C. §§ 2201 and 2202.

14. U.S. Patent No. 4,839,660, and each and every claim, is invalid because the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was

made to a person having ordinary skill in the art to which said subject matter pertains, under 35 U.S.C. §103(a).

15. U.S. Patent No. 4,839,660, and each and every claim, is invalid because the specification does not contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, under 35 U.S.C. §112, first paragraph.

16. U.S. Patent No. 4,839,660, and each and every claim, is invalid because the specification does not conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention, under 35 U.S.C. §112, second paragraph.

17. Plaintiff has not infringed, and is not infringing, U.S. Patent No. 4,839,660.

WHEREFORE, Plaintiff prays that the Court declare:

1. U.S. Patent No. 6,215,451, and each and every claim thereof, is invalid;
2. Plaintiff has not infringed, and is not infringing, U.S. Patent No. 6,215,451;
3. U.S. Patent No. 6,839,660, and each and every claim thereof, is invalid;
4. Plaintiff has not infringed, and is not infringing, U.S. Patent No. 6,839,660;
5. Plaintiff is entitled to its costs and attorney's fees; and
6. Plaintiff may have such further necessary or proper relief as the Court deems

just.

DATED this 15 day of March, 2002.

GALLIAN, WESTFALL, WILCOX &  
WELKER, L.C.

By: 

Russell J. Gallian

Plaintiff's Address:

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