

Stephen F. Roth
Jonathan A. David
Orville R. Cockings
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, NJ 07090-1497
Tel: 908.654.5000
Fax: 908.654.7866

Attorneys for Plaintiff Digital Technology Licensing LLC

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DIGITAL TECHNOLOGY LICENSING LLC,	:	
	:	
Plaintiff,	:	
v.	:	Civil Action No.
	:	
CELLCO PARTNERSHIP d/b/a VERIZON	:	
WIRELESS,	:	
	:	
Defendant.	:	
	x	

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff Digital Technology Licensing LLC, having its principal place of business at 75 Montebello Park, Suffern, New York 10901-3740, for its complaint, hereby alleges as follows:

1. Digital Technology Licensing LLC ("DTL"), is a limited liability company organized and existing under the laws of the State of New York, having its principal place of business at 75 Montebello Park, Suffern, New York 10901-3740.

2. Defendant Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless"), is a partnership organized and existing under the laws of the State of Delaware, having its principal place of business within this district at 180 Washington Valley Road, Bedminster, New Jersey 07921.

3. This action is for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Subject matter jurisdiction is conferred upon this Court under 28 U.S.C. § 1338(a).

4. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

5. Personal jurisdiction over the defendant comports with the United States Constitution because Verizon Wireless is committing and/or contributing to the acts of patent infringement alleged in this Complaint in this district.

6. On September 24, 1991, United States Patent No. 5,051,799 ("the '799 Patent"), entitled "Digital Output Transducer," was duly and lawfully issued based upon an application filed by the inventors, Jon D. Paul, Mark D. Clayton, and Anthony M. Agnello.

7. DTL is the owner by assignment of the '799 Patent, and has the right to sue and recover damages for infringement thereof.

8. Verizon Wireless is engaged in the marketing and sale of Bluetooth compatible electronics in the United States generally, and in the District of New Jersey.

9. By such acts, Verizon Wireless has directly and/or contributorily infringed, and/or induced infringement of, and is continuing to directly and/or contributorily

infringe, and/or induce infringement of, the '799 Patent, by selling and offering to sell products and by using and inducing others to use, sell, and offer to sell Bluetooth compatible electronics for transmission of audio signals; Bluetooth telephone headsets; and such other and further Bluetooth devices that come within the scope of claim 20 of the '799 Patent.

10. Upon information and belief, after reasonable opportunity for further investigation and discovery, it is likely that the evidence will show that the acts of infringement of Verizon Wireless have occurred with knowledge of the '799 Patent and are willful and deliberate. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285.

11. DTL has been damaged by the infringement by Verizon Wireless and is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

12. DTL has no adequate remedy at law.

WHEREFORE, DTL demands judgment as follows:

A. An order adjudging defendant Verizon Wireless to have infringed the '799 Patent;

B. A permanent injunction enjoining Verizon Wireless, together with its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them who receive actual notice of the order by personal service or otherwise, from infringing the '799 Patent;

C. An award of damages adequate to compensate DTL for the infringement of Verizon Wireless, along with prejudgment and postjudgment interest, but in no event less than a reasonable royalty, such damages to be trebled pursuant to the provisions of 35 U.S.C. § 284;

D. An award of DTL's reasonable attorney fees and expenses, pursuant to the provisions of 35 U.S.C. § 285;

E. An award of DTL's costs; and

F. Such other and further relief as this Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Fed. R. Civ. P. 38(b), DTL hereby demands a jury trial on all issues so triable raised in this action.

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
*Attorneys for Plaintiff Digital Technology
Licensing LLC*

Dated: January 24, 2008

By: s/ Stephen F. Roth
Stephen F. Roth
Tel: 908.654.5000
E-Mail: sroth@ldlkm.com
litigation@ldlkm.com

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

The undersigned hereby certifies, pursuant to Local Civil Rule 11.2, that with respect to the matter in controversy herein, neither plaintiff nor plaintiff's attorney is aware of any other action pending in any court, or of any pending arbitration or administrative proceeding, to which this matter is subject, except that the patent-in-suit has been asserted against parties in separate actions, namely:

- *Digital Technology Licensing LLC v. Cellco Partnership d/b/a Verizon Wireless*, Civil Action No. 05-1922 (D.N.J. filed April 11, 2005);
- *Digital Technology Licensing LLC v. Sprint Nextel Corp.* Civil Action No. 07-5432 (D.N.J. filed November 9, 2007);
- *Digital Technology Licensing LLC v. T-Mobile USA, Inc.*, Civil Action No. 07-5273 (D.N.J. filed October 25, 2007);
- *Motorola, Inc. v. Digital Technology Licensing LLC*, Civil Action No. 07-10436 (S.D.N.Y. filed November 19, 2007).

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
*Attorneys for Plaintiff Digital Technology
Licensing LLC*

Dated: January 24, 2008

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