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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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JURY DEMANDED

1:06-CV-492 SS

**PLAINTIFF'S FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT AND JURY DEMAND**

Plaintiff Wireless Agents, L.L.C. brings this action for patent infringement against Defendants Amoi Electronics, Inc. ("Amoi"), Amp'd Mobile, Inc. ("Amp'd"), Helio, LLC ("Helio"), HTC Corp. ("HTC"), Innostream Inc. ("Innostream"), Kyocera Wireless Corp. ("Kyocera"), LG Electronics MobileComm U.S.A., Inc. ("LG"), Mitsubishi Electric Corporation ("Mitsubishi Corp."), Mitsubishi Electric & Electronics USA Inc. ("Mitsubishi Inc."), Motorola, Inc. ("Motorola"), Nokia, Inc. ("Nokia"), OQO, Inc. ("OQO"), Samsung Telecommunications America, LP ("Samsung"), Sanyo North America Corp. ("Sanyo"), Sharp Corporation, a.k.a. Sharp Kabushiki Kaisha ("Sharp"), Sony Electronics, Inc. ("Sony"), VK Mobile USA, Inc. ("VK"), (collectively "Defendants") and alleges as follows:

I. THE PARTIES

1. Wireless Agents, L.L.C. is a limited liability company of the State of Texas.
2. Upon information and belief, Amoi is a California corporation having a principal place of business at 17777 Center Court Drive North, Suite 260, Cerritos, California 90703. Upon information and belief, Amoi is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. This proceeding arises, in part, out of business done in this state. Accordingly, pursuant to TEX. CIV. PRAC. & REM. CODE §§ 17.044 and 17.045, the Secretary of State is an agent for service of process upon Amoi that may be served with process by serving Geoffrey S. Connor, Secretary of State of Texas, State Capitol Room 1E.8, Austin, Texas 78701, who shall then immediately mail a copy of the process by registered mail or by certified mail, return receipt requested, to Amoi's home office at 17777 Center Court Drive North, Suite 260, Cerritos, California 90703.

3. Upon information and belief, Amp'd is a Delaware corporation having a principal place of business at 65 Enterprise, Ste. 485, Aliso Viejo, California 92656. Upon information and belief, Amp'd is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. This proceeding arises, in part, out of business done in this state. Accordingly, pursuant to TEX. CIV. PRAC. & REM. CODE §§ 17.044 and 17.045, the Secretary of State is an agent for service of process upon Amp'd that may be served with process by serving Geoffrey S. Connor, Secretary of State of Texas, State Capitol Room 1E.8, Austin, Texas 78701, who shall then immediately mail a copy of the process by registered mail or by certified mail, return receipt requested, to Amp'd's home office at 65 Enterprise, Ste. 485, Aliso Viejo, California 92656.

4. Upon information and belief, Helio is a Delaware corporation (doing business as Delaware Helio, LLC and formerly known as SK-Earthlink Management Corp.) having a principal place of business at 10960 Wilshire Blvd. Ste. 700, Los Angeles, CA 90024. Helio is authorized to do business in the State of Texas and may be served with process by serving its registered agent, CT Corporation System, 350 North St. Paul St., Dallas, Texas 75201.

5. Upon information and belief, HTC is a Taiwanese corporation having its principal place of business at No. 23, Hsin Hua Road, Taoyuan, 330, Taiwan. Upon information and belief, HTC is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Because Taiwan is not a signatory to the Hague Convention, service upon HTC requires service in accordance with FED. R. CIV. P. 4(f)(2).

6. Upon information and belief, Innostream is a Korean corporation having its principal place of business at 6th Floor, Daewoo Telecom Building, 265-3, Seohyeon-dong

Bundang-gu, Seongnam-si Gyeonggi-do 463-769, Korea. Upon information and belief, Innostream is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Innostream may be served with process in Korea pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

7. Upon information and belief, Kyocera is a Delaware corporation having a principal place of business at 10300 Campus Point Drive, San Diego, California 92121. Kyocera is authorized to do business in the State of Texas and may be served with process by serving its registered agent, Corporation Services Co. d/b/a Lawyers Incorporating Service Co., at 701 Brazos, Suite 1050, Austin, Texas 78701.

8. Upon information and belief, LG is a California corporation having a principal place of business at 10225 Willow Creek Road, San Diego, California 92131. Upon information and belief, LG is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. This proceeding arises, in part, out of business done in this state. Accordingly, pursuant to TEX. CIV. PRAC. & REM. CODE §§ 17.044 and 17.045, the Secretary of State is an agent for service of process upon LG that may be served with process by serving Geoffrey S. Connor, Secretary of State of Texas, State Capitol Room 1E.8, Austin, Texas 78701, who shall then immediately mail a copy of the process by registered mail or by certified mail, return receipt requested, to LG's home office at 10225 Willow Creek Road, San Diego, California, 92131.

9. Upon information and belief, Mitsubishi Corp. is a Japanese corporation having its principal place of business at Mitsubishi Denki Bldg., 2-3, Marunouchi 2-chome, Chiyoda-ku, Tokyo, 100-8310, Japan. Upon information and belief, Mitsubishi Corp. is a nonresident of

Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Mitsubishi Corp. may be served with process in Japan pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

10. Upon information and belief, Mitsubishi, Inc. is a Delaware corporation having a principal place of business at 5665 Plaza Drive, Cypress, California 90630. Mitsubishi, Inc. is authorized to do business in the State of Texas and may be served with process by serving its registered agent, CT Corporation System at 350 N. St. Paul Street, Dallas, Texas 75201.

11. Upon information and belief, Motorola is a Delaware corporation having a principal place of business at 1303 E. Algonquin Road, Schaumburg, Illinois 60196. Motorola is authorized to do business in the State of Texas and may be served with process by serving its registered agent, CT Corporation System at 350 N. St. Paul Street, Dallas, Texas 75201.

12. Upon information and belief, Nokia (f/k/a Nokia Mobile Phones Americas Inc., f/k/a Nokia Mobile Phones, Inc., and f/k/a Nokia Mobile Phones Manufacturing USA Inc.) is a Delaware corporation having a principal place of business at 6000 Connection Drive, Irving, Texas 75039. Nokia is authorized to do business in the State of Texas and may be served with process by serving its registered agent, National Registered Agents, Inc. at 1614 Sidney Baker Street, Kerrville, Texas 78028.

13. Upon information and belief, OQO is a Delaware corporation having a principal place of business at 583 Shotwell Street, San Francisco, CA 94110. Upon information and belief, OQO is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. This proceeding arises, in part, out of business done in this state. Accordingly,

pursuant to TEX. CIV. PRAC. & REM. CODE §§ 17.044 and 17.045, the Secretary of State is an agent for service of process upon OQO that may be served with process by serving Geoffrey S. Connor, Secretary of State of Texas, State Capitol Room 1E.8, Austin, Texas 78701, who shall then immediately mail a copy of the process by registered mail or by certified mail, return receipt requested, to OQO's home office at 583 Shotwell Street, San Francisco, CA 94110.

14. Upon information and belief, Samsung is a limited liability company having a principal place of business at 1130 E. Arapaho Road, Richardson, Texas 75081. Samsung may be served with process at its principal place of business at 1130 E. Arapaho Road, Richardson, Texas 75081.

15. Upon information and belief, Sanyo is a Delaware corporation having a principal place of business at 2055 Sanyo Avenue, San Diego, California 92154. Sanyo is authorized to do business in the State of Texas and may be served with process by serving its registered agent, Prentice Hall Corp System, at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

16. Upon information and belief, Sharp, is a corporation existing under the laws of Japan with a principal place of business at 22-22 Nagaike-cho, Abeno-ku, Osaka 545-8522, Japan. Upon information and belief, Sharp is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Sharp may be served with process in Japan, pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

17. Upon information and belief, Sony is a Delaware corporation having a principal place of business at 555 Madison Avenue, 8th Floor, New York, New York 10022. Sony is authorized to do business in the State of Texas and may be served with process by serving its

registered agent, Corporation Services Co. d/b/a Lawyers Incorporating Service Co., at 701 Brazos, Suite 1050, Austin, Texas 78701.

18. Upon information and belief, VK is a California corporation having a principal place of business at 9 Executive Circle, Suite 215, Irvine, California 92614. Upon information and belief, VK is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. This proceeding arises, in part, out of business done in this state. Accordingly, pursuant to TEX. CIV. PRAC. & REM. CODE §§ 17.044 and 17.045, the Secretary of State is an agent for service of process upon VK that may be served with process by serving Geoffrey S. Connor, Secretary of State of Texas, State Capitol Room 1E.8, Austin, Texas 78701, who shall then immediately mail a copy of the process by registered mail or by certified mail, return receipt requested, to VK's home office at 9 Executive Circle, Suite 215, Irvine, California 92614.

II. JURISDICTION AND VENUE

19. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271 *et seq.* and 28 U.S.C. §§ 1331 and 1338(a).

20. Personal jurisdiction exists generally over the Defendants because they have sufficient minimum contacts with the forum as a result of business conducted within the State of Texas and within the Western District of Texas. Personal jurisdiction also exists specifically over the Defendants because of their conduct in making, using, selling, offering to sell, and/or importing infringing products within the State of Texas and within the Western District of Texas.

21. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b).

III. PATENT INFRINGEMENT

22. Plaintiff repeats and realleges the allegations in paragraphs 1-21 as though fully set forth herein.

23. Plaintiff, Wireless Agents, L.L.C. is the patentee and owner of all rights, title, and interest in and under United States Patent No. 7,016,182 ("the '182 Patent"), which duly and legally issued on March 21, 2006.

24. The '182 Patent is for an invention titled "Physical Configuration of a Handheld Electronic Communications Device." A true and correct copy of the '182 Patent is attached hereto as Exhibit A.

25. The '182 Patent is valid and enforceable.

26. Upon information and belief, Amoi has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the product known as "S6."

27. Upon information and belief, Amp'd has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the products known as "Jet," and "Angel."

28. Upon information and belief, Helio has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the product known as "Hero."

29. Upon information and belief, HTC has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the products known as "Verizon XV6700," "Qwest Pocket PC 6700Q," "Sprint PPC-6700," "Telus UTStarcom 6700," "Alltel/UTStarcom PPC6700," and "Cingular 8100/8125."

30. Upon information and belief, Innostream has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the product known as "Inno 55."

31. Upon information and belief, Kyocera has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the products known as "KX5," "KX5B," "KX18," "SE44," and "SE47."

32. Upon information and belief, LG has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the products known as "CU320," "F7200," "F9100," "F9200," "KG800," "A7110," and "MM35."

33. Upon information and belief, Mitsubishi Corp. and Mitsubishi Inc. have been and are infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the product known as "M760."

34. Upon information and belief, Motorola has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the product known as "A732."

35. Upon information and belief, Nokia has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the products known as "6111," "6270," "7650," "6305i," "6280," "N80," and "6282."

36. Upon information and belief, OQO has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the products known as "Model 01," and "Model 01+."

37. Upon information and belief, Samsung has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the products known as "SCH-i730," "SGH-d410," "SGH-d415," "SGH-e635," "SGH-d500," "SGH-d510," "SGH-d520," "SGH-d720," "SGH-e350," "SGH-e630," "SGH-e800," "SGH-d807," "SGH-e810," "SGH-e820," "SGH-e880," "SGH-E900," "SGH-d600," "SGH-d800," "SGH-d820," and "SGH-p777," "SGH-t809," "SGH-X810," and "SGH-Z400."

38. Upon information and belief, Sanyo has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the product known as "S103."

39. Upon information and belief, Sharp has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the product known as "TM100."

40. Upon information and belief, Sony has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the products known as "VGN-UX180P," "mylo personal communicator COM-1/B," and "mylo personal communicator COM-1/W."

41. Upon information and belief, VK has been and is infringing the '182 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, including but not limited to the products known as "VK900," "VK4100," and "VK4000."

42. By making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '182 Patent, Defendants have also induced infringement of the '182 Patent under 35 U.S.C. § 271(b), and have contributed to the infringement of the '182 Patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

43. As a direct and proximate result of Defendants' acts of patent infringement, Plaintiff has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

44. Plaintiff has no adequate remedy at law against these acts of patent infringement. Unless Defendants are preliminarily and permanently enjoined from their infringement of the '182 Patent, Plaintiff will suffer irreparable harm.

IV. PRAYER FOR RELIEF

Plaintiff, Wireless Agents, L.L.C., respectfully requests that judgment be entered in its favor and against Defendants and that the Court grant the following relief to Plaintiff:

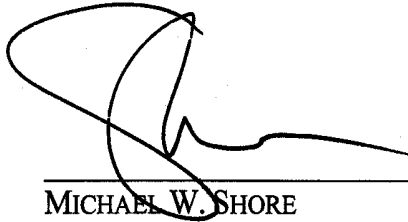
- A. Declare that the '182 Patent is valid and enforceable;
- B. Declare that Defendants have infringed the '182 Patent;
- C. Award damages to Plaintiff to which it is entitled for patent infringement;
- D. Enter a preliminary and thereafter a permanent injunction against Defendants' direct infringement of the '182 Patent;
- E. Enter a preliminary and thereafter a permanent injunction against Defendants' active inducements of infringement and/or contributory infringements of the '182 Patent by others;
- F. Award interest on Plaintiff's damages; and
- G. Such other relief as the Court deems just and proper.

V. JURY DEMAND

In accordance with FED. R. CIV. P. 38 and 39, Plaintiff asserts its rights under the Seventh Amendment of the United States Constitution and demands a trial by jury on all issues so triable.

Dated: August 14, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael W. Shore', is written over a horizontal line.

MICHAEL W. SHORE

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