

**FILED**

OCT - 5 2007

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**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES  
DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Dicam, Inc.

*Plaintiff,*

-v-

United States Cellular Corporation and Samsung  
Telecommunications America, L.L.P.,

*Defendants.*

**07CV5668  
JUDGE KENDALL  
MAG. JUDGE BROWN**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Dicam, Inc. ("Dicam") by and through counsel, for its Complaint against Defendants U.S. Cellular Corporation and Samsung Telecommunications America, L.L.P. (collectively "Defendants") alleges as follows:

**PARTIES AND JURISDICTION**

1. Plaintiff Dicam is a Virginia corporation and has a principal place of business in Charlottesville, Virginia.
2. Defendant United States Cellular Corporation ("U.S. Cellular") is a Delaware Corporation and has a principal place of business at 8410 W. Bryn Mawr, Ave., #700, Chicago, IL 60631.
3. Defendant Samsung Telecommunications America, L.L.P. ("Samsung") is a Delaware corporation and has a principal place of business at 1130 E. Arapaho Rd., Richardson,

TX 75082.

**NATURE OF ACTION**

4. This is an action for infringement of United States Patent No. 4,884,132 (“the ’132 patent”) under 35 U.S.C. § 271.

**JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States of America, United States Code, Title 35, Section 1, *et seq.* This Court has subject matter jurisdiction over the action under 28 U.S.C. §1331 and 1338.

6. Based on the facts and causes alleged herein, this Court has personal jurisdiction over Defendants.

7. Venue is proper in this Court under 28 U.S.C. §1391 and 1400(b).

**FACTUAL BACKGROUND**

8. On November 28, 1989 the ’132 patent was issued to inventors James A. Morris, Terry F. Morris and Frank O. Birdsall for a personal security system including a handheld unit.

9. On July 13, 2007, the ’132 patent was duly and properly assigned to Plaintiff together with all right, title and interest in and to the ’132 patent in the United States, expressly including the right to sue for all damages for past, present and future infringements of the ’132 patent. Since that date Plaintiff was and still is the owner of the ’132 patent.

**U.S. CELLULAR**

10. U.S. Cellular is the sixth-largest wireless service carrier in the United States and serves 6 million customers in 26 states.

11. U.S. Cellular provides cellular services in the Northern District of Illinois and operates several store locations within the district including 30 N. LaSalle St., Chicago, IL 60602 and 48 S. Clark St., Chicago, IL 60603.

12. U.S. Cellular has sold, offered for sale and advertised cellular telephones embodying the patented invention including those manufactured by Defendant Samsung.

13. U.S. Cellular has been infringing the '132 patent by selling, offering for sale, importing, and using products embodying the patented invention during the enforceable patent term of the '132 patent.

### SAMSUNG

14. Samsung provides a variety of personal and business communications throughout North America including wireless infrastructure, fiber optics and cellular phones. Samsung is a manufacturer of cellular phones which are sold and advertised throughout the Northern District of Illinois by U.S. Cellular.

15. Samsung cellular phones are sold, offered for sale, and advertised through U.S. Cellular.

16. Samsung has made, sold, offered for sale, imported, and used products embodying the patented invention.

17. Samsung has been infringing the '312 patent by selling, offering for sale, importing, and using products embodying the patented invention during the enforceable patent term of the '132 patent.

**COUNT 1**  
**(PATENT INFRINGEMENT)**

18. Paragraphs 1 through 17 are incorporated by reference as if fully restated herein.

19. Defendants have been infringing the '132 patent by making, selling, offering for sale, importing, and using products embodying the patented invention during the enforceable patent term of the '132 patent.

20. After a reasonable opportunity for further investigation and discovery Plaintiff is likely to have evidentiary support that Defendants have willfully infringed the '132 patent.

**DEMAND FOR JURY TRIAL**

21. Plaintiff requests a trial by jury for all issues appropriately tried to a jury.

**WHEREFORE**, Plaintiff demands

- i. damages no less than a reasonable royalty;
- ii. an assessment of interest and costs against defendants;
- iii. a finding of willful infringement;
- iv. a finding that this action is an exceptional case under 35 U.S.C. § 285;
- v. an award of treble damages and reasonable attorneys' fees; and
- vi. any and all such other relief as this Court deems just and proper under the circumstances.

Dated: October 5, 2007



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