

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

INTELLECT WIRELESS, INC.,)	
)	
Plaintiff,)	
)	
v.)	<u>JURY TRIAL DEMANDED</u>
)	FILED: OCTOBER 14, 2008
SAMSUNG ELECTRONICS CO. LTD.,)	08CV5873
and SAMSUNG ELECTRONICS)	JUDGE COAR
AMERICA, INC.)	MAGISTRATE JUDGE VALDEZ
Defendants.)	AO

COMPLAINT

Plaintiff, Intellect Wireless, Inc. (“Intellect Wireless”) complains of defendants Samsung Electronics Co. Ltd. (“Samsung Korea”) and Samsung Electronics America, Inc. (“Samsung America”) (collectively “Samsung” or “Defendants”) as follows:

NATURE OF THE SUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

PARTIES

2. Intellect Wireless is a Texas corporation with offices in Fort Worth, Texas and Reston, Virginia. Intellect Wireless is in the business of, among other things, commercializing its inventions relating to wireless image messaging.

3. Daniel Henderson is the founder of Intellect Wireless, and the sole inventor of the patents-in-suit. Mr. Henderson has been awarded 25 United States patents with several more pending that relate to picture / video messaging in wireless devices such as PDA's, portable computers and cellular phones. Mr.

Henderson's prototype for a wireless picturephone device was received as part of the permanent collection of the Smithsonian Institution in the National Museum of American History. The Honorable Senator Gordon H. Smith, (OR), declared that Mr. Henderson has "truly blazed new trails in the fields of wireless technology and digital convergence" and called him a "true visionary."

4. Intellect Wireless owns all right, title, interest in and has standing to sue for the infringement of United States Patent No. 7,266,186 entitled "Method and Apparatus for Improved Paging Receiver and System" which issued on September 4, 2007 ("the '186 Patent").

5. Intellect Wireless owns all right, title, interest in and has standing to sue for the infringement of United States Patent No. 7,310,416 entitled "Method and Apparatus for Improved Personal Communication Devices and Systems" which issued on December 18, 2007 ("the '416 Patent").

6. Samsung Electronics Co., Ltd. ("Samsung Korea") is a foreign corporation with corporate headquarters at 250, 2-ga, Taepyung-ro, Jung-gu, Seoul 100-742, Republic of Korea.

7. Samsung Electronics America, Inc. ("Samsung America") is the North America headquarters for Samsung Electronics Co., Ltd. at 105 Challenger Road, Ridgefield Park, NJ 07660.

8. Samsung Korea and/or Samsung America make, use, sell, offer for sale and/or import into the United States wireless portable communication devices including cellular telephones.

JURISDICTION AND VENUE

9. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b). Samsung transacts business in this district and has committed acts of infringement in this judicial district, at least by offering to sell or selling infringing cellular telephones and through Internet websites that are designed to reach Illinois customers and are, in fact, used by customers in this judicial district.

11. Plaintiff has complied with the requirements of 35 U.S.C. §287.

PATENT INFRINGEMENT

12. Samsung has directly and/or indirectly infringed at least one claim of the '186 patent and '416 patent by making, using, selling and/or offering to sell wireless portable communication devices that receive and display caller ID information, non-facsimile pictures, video messages and/or Multimedia Messaging Service.

13. Samsung has contributorily infringed or induced infringement of at least one claim of the '186 patent and '416 patent in violation of 35 U.S.C. § 271 through, among other activities, by providing wireless portable communication devices that receive and display caller ID information, non-facsimile pictures, video messages and/or Multimedia Messaging Service and demonstrating and instructing users of its wireless portable communication devices how to utilize its picture and video messages service and/or Multimedia Messaging Service.

14. Samsung's infringement, contributory infringement and/or

inducement to infringe has injured Intellect Wireless and it is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, plaintiff, Intellect Wireless, Inc., respectfully requests this Court enter judgment against Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. and against their subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of Intellect Wireless;
- B. An award of damages adequate to compensate Intellect Wireless for the infringement that has occurred (together with prejudgment interest from the date the infringement began), but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to Intellect Wireless of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. Such other relief that Intellect Wireless is entitled to under law and any other relief that this Court or a jury may deem just and proper.

JURY DEMAND

Intellect Wireless demands a trial by jury on all issues presented in this complaint.

INTELLECT WIRELESS INC.

/s/ Raymond P. Niro

Raymond P. Niro

Paul K. Vickrey

Paul C. Gibbons

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