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MAGISTRATE JUDGE ASHMAN
MHN

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9 Attorneys for Plaintiff

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

13 HELFERICH PATENT LICENSING, L.L.C.,)
an Illinois Limited Liability Company,)
14 Plaintiff,)

No. _____
COMPLAINT
(Jury Trial Demanded)

15 vs.)

16 ZTE CORPORATION, a corporation of)
the People’s Republic of China; and)
17 ZTE (USA) INC., a New Jersey corporation,)
18 Defendants.)

19 Plaintiff Helderich Patent Licensing, L.L.C. (“HPL”) complains against defendants

20 ZTE Corporation and ZTE (USA) Inc. (hereinafter, collectively, “ZTE”) as follows:

21 1. This action arises under the Patent Laws of the United States, 35 United
22 States Code. This Court has jurisdiction of this action under 28 U.S.C. § 1338(a).
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1 2. Helferich Patent Licensing, L.L.C. is an Illinois limited liability company
2 and the exclusive licensee of a portfolio of patents duly and legally issued to Richard J.
3 Helferich for the inventions claimed therein, and relating to wireless communication and
4 messaging, and the provision of media and content to wireless subscribers. Relevant
5 issued patents include (collectively, the “Subject Patents”):

- 6 • U.S. Patent No. 7,403,787, titled “Paging Transceivers and Methods for
7 Selectively Retrieving Messages,” issued on July 22, 2008;
- 8 • U.S. Patent No. 7,376,432, titled “Paging Transceivers and Methods for
9 Selectively Retrieving Messages,” issued on May 20, 2008;
- 10 • U.S. Patent No. 7,280,838, titled “Paging Transceivers and Methods for
11 Selectively Retrieving Messages,” issued October 9, 2007;
- 12 • U.S. Patent No. 7,277,716, titled “Systems and Methods for Delivering
13 Information to a Communication Device,” issued October 2, 2007;
- 14 • U.S. Patent No. 7,242,951, titled “Paging Transceivers and Methods for
15 Selectively Retrieving Messages,” issued July 10, 2007;
- 16 • U.S. Patent No. 7,155,241, titled “Systems and Methods for Enabling a
17 User of a Communication Device to Manage Remote Information,” issued
18 December 26, 2006;
- 19 • U.S. Patent No. 7,146,157, titled “Systems and Methods for Downloading
20 Information to a Mobile Device,” issued December 5, 2006;
- 21 • U.S. Patent No. 7,039,428, titled “System and Method for Delivering
22 Information to a Mobile Device,” issued December 5, 2006;
- 23 • U.S. Patent No. 7,039,428, titled “System and Method for Delivering
24 Information to a Mobile Device,” issued December 5, 2006;

1 Information to a Transmitting and Receiving Device,” issued May 2, 2006;

- 2 • U.S. Patent No. 7,003,304, titled “Paging Transceivers and Methods for
- 3 Selectively Retrieving Messages,” issued February 21, 2006;
- 4 • U.S. Patent No. 6,983,138, titled “User Interface for Message Access,”
- 5 issued January 3, 2006;
- 6 • U.S. Patent No. 6,826,407, titled “System and Method For Integrating
- 7 Audio and Visual Messaging,” issued November 30, 2004;
- 8 • U.S. Patent No. 6,696,921, titled “Transmitting and Receiving Devices and
- 9 Methods for Transmitting Data to and Receiving Data from a
- 10 Communications System,” issued February 24, 2004;
- 11 • U.S. Patent No. 6,636,733, titled “Wireless Messaging System,” issued
- 12 October 21, 2003;
- 13 • U.S. Patent No. 6,462,646, titled “Transmitting and Receiving Devices and
- 14 Methods for Transmitting Data to and Receiving Data from a
- 15 Communication System,” issued October 8, 2002;
- 16 • U.S. Patent No. 6,459,360, titled “Paging Transceivers and Methods for
- 17 Selectively Erasing Information,” issued October 1, 2002;
- 18 • U.S. Patent No. 6,259,892, titled “Pager Transceivers and Methods for
- 19 Performing Action on Information at Desired Times,” issued July 10, 2001;
- 20 • U.S. Patent No. 6,253,061, titled “Systems and Methods for Delivering
- 21 Information to a Transmitting and Receiving Device,” issued June 26,
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1 2001;

- 2 • U.S. Patent No. 6,233,430, titled “Paging Transceivers and Methods for
- 3 Selectively Retrieving Messages,” issued May 15, 2001;
- 4 • U.S. Patent No. 6,097,941, titled “User Interface for Voice Message
- 5 Access,” issued August 1, 2000;
- 6 • U.S. Patent No. 6,087,956, titled “Paging Transceivers and Methods for
- 7 Selectively Erasing Information,” issued July 11, 2000.

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9 U.S. Patent Nos. 6,087,956, 6,233,430, 7,146,157, 7,280,838 and 7,376,432 are,
10 collectively, the “Asserted Patents.”

11 Helderich Patent Licensing, L.L.C. is also the exclusive licensee of a
12 portfolio of patent applications naming Richard J. Helderich as inventor relating to
13 wireless communication and messaging. The relevant pending applications include
14 (collectively, the “Subject Applications”):

- 15 • U.S. Patent Application No. 12/167,971, titled “System and Method for
- 16 Delivering Information to a Transmitting and Receiving Device;”
- 17 • U.S. Patent Application No. 11/635,781, titled “Paging Transceivers and
- 18 Methods for Selectively Retrieving Messages;”
- 19 • U.S. Patent Application No. 11/598,832, titled “Systems and Methods for
- 20 Downloading Information to a Mobile Device;”
- 21 • U.S. Patent Application No. 11/598,202, titled “Wireless Messaging
- 22 System;”
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- 1 • Allowed U.S. Patent Application No. 11/399,513, titled “System and
- 2 Method for Delivering Information to a Transmitting and Receiving
- 3 Device;”
- 4 • U.S. Patent Application No. 11/105,441, titled “Systems and Methods for
- 5 Adding Information to a Directory Stored in a Mobile Device;”
- 6 • U.S. Patent Application No. 10/958,731, titled “System and Method for
- 7 Integrating Audio and Visual Messaging.”
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9 HPL is the exclusive licensee of all right, title and interest in the Subject Patents and
10 Applications, including the right to sue for past damages.

11 3. Defendant ZTE Corporation is a corporation established under the laws of
12 the People’s Republic of China and based in Shenzhen, China. ZTE (USA) Inc. is a
13 corporation established under the laws of the State of New Jersey and based in
14 Richardson, Texas, and is a wholly owned subsidiary of ZTE Corporation. ZTE
15 Corporation, including through its subsidiary ZTE (USA) Inc., manufactures or sells
16 wireless electronic devices such as cellular telephones, including selling or offering to
17 sell such devices (including the accused devices) within this judicial district and by
18 conducting other business within this judicial district or elsewhere in the United States
19 that impacts this jurisdiction.

20 4. Within the United States, ZTE has manufactured, used, sold or offered for
21 sale devices used for short message service (“SMS”) messaging, web browsing, and
22 multimedia (e.g., picture) messaging (“MMS”) and covered by at least claims 44 and 46
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1 of the '956 Patent, claims 19, 44 and 45 of the '430 Patent, claims 2 and 3 of the '157
2 Patent, claims 34 and 35 of the '838 Patent, and claims 1 and 8 of the '432 Patent,
3 including, for example, the models known as C78, C79 and C88.

4 5. In the six-year period preceding the filing of this action, defendants have
5 infringed the Asserted Patent in violation of 35 U.S.C. § 271 with resultant damage to
6 HPL, in an amount to be proven at trial.

7 6. HPL gave written notice to ZTE of the Asserted Patents by letter dated
8 April 22, 2008, which letter included a detailed explanation of the Asserted Patents and
9 the manner in which they were infringed by exemplary ZTE products. In response to
10 HPL's notice letters and infringement assertions sent to other manufacturers of cellular
11 phones, one major manufacturer of wireless electronic technology, LG Electronics, Inc.,
12 entered into a license agreement with HPL. HPL also offered to meet face to face with
13 ZTE in America, Hawaii, Korea and Japan to address the issues raised by this
14 Complaint, but ZTE refused. HPL thereafter engaged in telephonic discussions with
15 ZTE regarding the patents in July and August 2008, but was unable to resolve the issues
16 raised by this Complaint. During these discussions, ZTE presented no substantive
17 defense to HPL's allegation that ZTE infringed the Asserted Patents. ZTE's last
18 communication to HPL was on August 20, 2008, in which it indicated it would further
19 respond after September 1, 2008. To date, no further response from ZTE has been
20 received.
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22 7. Thus, Defendants, with actual knowledge of the Asserted Patents and
23 without lawful justification, willfully and deliberately infringed the Asserted Patents.
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1 **WHEREFORE, HPL PRAYS FOR:**

2 (a) Judgment on the Complaint that Defendants have infringed, contributed to
3 the infringement of, or actively induced others to infringe U.S. Patent Nos. 6,087,956,
4 6,233,430, 7,146,157, 7,280,838 and 7,376,432;

5 (b) A permanent injunction to be issued enjoining and restraining Defendants,
6 and their officers, directors, agents, servants, employees, attorneys, licensees, successors,
7 assigns, and those in active concert and participation with them, and each of them, from
8 making, using, selling, offering for sale, or importing any products which fall within the
9 scope of any or all claims of the Asserted Patents, and from inducing or contributing to
10 the infringement of any such claims by others;

11 (c) An award of damages against Defendants adequate to compensate HPL for
12 past infringement of the Asserted Patents, together with interest and costs as fixed by the
13 Court, such damages to be trebled because of the willful and deliberate character of the
14 infringement;

15 (d) Judgment that this case is “exceptional” in the sense of 35 U.S.C. § 285,
16 and that HPL is entitled to an award of its reasonable attorneys’ fees in the prosecution of
17 this action; and
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19 (e) Such other and further relief as the Court may deem just and proper.
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DEMAND FOR JURY TRIAL

Plaintiff hereby makes a demand for a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedures as to all issues in this lawsuit.

RESPECTFULLY SUBMITTED this 11th day of September, 2008.

VICTORIA GRUVER CURTIN, P.L.C.

By: /s/ Victoria Curtin
Victoria Curtin
Attorneys for Plaintiff