

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

0220 10N1010 1510
11 27 2002
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PHILIP S. JACKSON)
)
Plaintiff,)
)
v.)
)
NEC CORPORATION)
)
Defendant.)

Civil Action No.:

02C 1435

JURY DEMANDED

JUDGE BUCKLO

MAGISTRATE JUDGE DENLOW

COMPLAINT

DOCKETED

FEB 28 2002

Plaintiff brings this action for patent infringement against Defendant and alleges as

follows:

1. Plaintiff, Philip S. Jackson ("Jackson"), is an individual having his residence in Park Ridge, Illinois.
2. Jackson is the sole owner of United States Patent No. B2 4,596,900 (See Exhibits A, B, and C).
3. On June 24, 1986, U.S. Patent No. 4,596,900 was duly and legally issued for an invention entitled "Phone-Line-Linked, Tone-Operated Control Device." (See Exhibit A)
4. U.S. Patent No. 4,596,900 has been reexamined twice by the U.S. Patent and Trademark Office (See Exhibits A, B, and C).
5. U.S. Patent No. B2 4,569,900 is presently in force (See Exhibit C - "the '900 Patent").
6. This action arises under the patent laws of the United States, Title 35 of the United States Code.

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7. Subject matter jurisdiction is conferred on the Court pursuant to 28 U.S.C. §§ 1331 and/or 1338(a).
8. Personal jurisdiction lies in this Court over the Defendant pursuant to one or more sections of 735 ILCS §§ 5/2-201 through 5/2-213 and Rule 4(k) of the Federal Rules of Civil Procedure.
9. Venue lies in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and/or 1400(b).
10. Defendant regularly and systematically conducts business within this district.
11. Defendant regularly and systematically engages in infringing activity within this district.

COUNT I

12. Plaintiff, Jackson, hereby charges NEC Corporation with infringement of U.S. Patent No. B2 4,569,900 under the patent laws of the United States, Title 35 of the United States Code.
13. Defendant, NEC Corporation, is a corporation duly organized and existing under the laws of the State of Delaware.
14. Defendant, NEC Corporation, has a principal place of business at 6555 North State Highway 161, Irving, TX 75039-2402.
15. Defendant, NEC Corporation, has and continues to infringe by its using, manufacturing, selling, and offering to sell products covered by one or more claims of the '900 Patent.

WHEREFORE, Plaintiff, Philip S. Jackson prays:

1. That this Court adjudge and decree that Defendant has infringed one or more of the claims of United States Patent No. B2 4,596,900;

2. That this Court permanently enjoin Defendant, its officers, agents, servants, employees, attorneys, successors, and assigns, and all others in active concert of participation with Defendant, from infringing one or more claims of the United States Patent No. B2 4,596,900;
3. That Plaintiff, Philip S. Jackson, be awarded damages, and in no event less than a reasonable royalty, for Defendant's infringement, and be awarded pre and post judgment interest for such damages, and that an accounting be ordered to account for such damages and interest therefore;
4. That Plaintiff, Philip S. Jackson be awarded costs, disbursements, and attorney fees for this action, including those pursuant to 35 U.S.C. §285; and
5. That Plaintiff, Philip S. Jackson be awarded such further relief as the Court may deem just and appropriate.

A trial by jury is demanded.

Philip S. Jackson

Date: February 26, 2002

By:



Bradford P. Lyerla
Micheal D. Lake
James P. Muraff
Gerry R. Fischer
WALLENSTEIN & WAGNER, LTD.
311 South Wacker Drive
53rd Floor
Chicago, IL 60606
312-554-3300
Attorneys for Plaintiff

SEE CASE
FILE FOR
EXHIBITS

IS 3/99

Case # 1

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of filing the civil docket sheet. (SEE INSTRUCTIONS ON REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Philip S. Jackson
909 S. Clifton
Park Ridge, IL 60068

02/27/02

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DEFENDANTS

NEC CORPORATION
6555 North State Highway 161
Irving, TX 75039-2402

DOCKETED

FEB 28 2002

(b) County of Residence of First Listed Plaintiff Cook
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Bradford P. Lyerla
Wallenstein & Wagner, Ltd.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606
(312) 554-3300
(SEE ATTACHMENT I.(c))

02/27/02

Attorneys (If Known)
1433

JUDGE BUCKLO

MAGISTRATE JUDGE DENLOW

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
 - 3 Federal Question (U.S. Government Not a Party)
 - 2 Defendant
- (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- DEF**
- Citizen of This State 1 1 Incorporated or Principal Place of Business In This State 4
 - Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6
 - of Business In Another State

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment/Enforcement of Judgment <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <input type="checkbox"/> of Veteran's Benefits	<input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 340 Marine Liability <input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 365 Personal Injury -- Product Liability <input type="checkbox"/> 368 Asbestos Personal Liability <input type="checkbox"/> 380 Other Personal	<input type="checkbox"/> 625 Drug Related of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influence and <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ 12 USC 3410
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Eviction to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor <input type="checkbox"/> 7 Labor/Mgmt Reporting <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 IVA (1395ff) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actio

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

35 U.S.C. §271 et seq. Patent Infringement

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

DATE 2/26/02 SIGNATURE OF ATTORNEY OF RECORD *Michael Drake*

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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ATTACHMENT TO CIVIL COVER SHEET

ATTACHMENT I. Part C

Additional Attorneys for Plaintiff

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311 South Wacker Drive, 53rd Floor
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of

**PHILIP S. JACKSON
V.
NEC CORPORATION**

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FEB 27 2002
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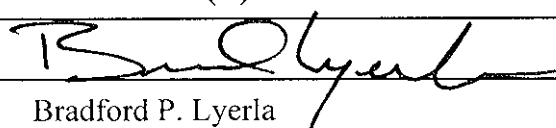
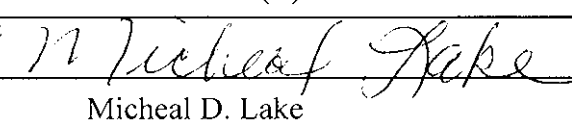
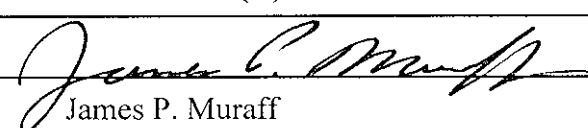
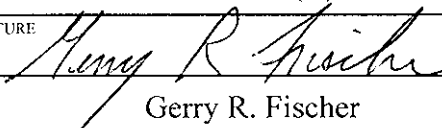
Case Number:
02C 1435

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

PHILIP S. JACKSON, Plaintiff

JUDGE BUCKLO

MAGISTRATE JUDGE DENLOW

(A)		(B)	
SIGNATURE		SIGNATURE	
NAME	Bradford P. Lyerla	NAME	Micheal D. Lake
FIRM	Wallenstein & Wagner, Ltd.	FIRM	Wallenstein & Wagner, Ltd.
STREET ADDRESS	311 S. Wacker Drive, Suite 5300	STREET ADDRESS	311 South Wacker Drive, Suite 5300
CITY/STATE/ZIP	Chicago, Illinois 60606	CITY/STATE/ZIP	Chicago, Illinois 60606
TELEPHONE NUMBER	(312) 554-3300	TELEPHONE NUMBER	(312) 554-3300
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	3,127,392	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	6,197,755
MEMBER OF TRIAL BAR?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
TRIAL ATTORNEY?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME	James P. Muraff	NAME	Gerry R. Fischer
FIRM	Wallenstein & Wagner, Ltd.	FIRM	Wallenstein & Wagner, Ltd.
STREET ADDRESS	311 South Wacker Drive, Suite 5300	STREET ADDRESS	311 South Wacker Drive, Suite 5300
CITY/STATE/ZIP	Chicago, Illinois 60606	CITY/STATE/ZIP	Chicago, Illinois 60606
TELEPHONE NUMBER	(312) 554-3300	TELEPHONE NUMBER	(312) 554-3300
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	6,225,693	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	6,274,920
MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	MEMBER OF TRIAL BAR?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
TRIAL ATTORNEY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	TRIAL ATTORNEY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

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