

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

PHILIP S. JACKSON)

Plaintiff,)

v.)

X10 WIRELESS TECHNOLOGY, INC.)

Defendant.)

02C 1395
Civil Action No.:

REGISTRAR JUDGE ASHMAN

JURY DEMANDED

DOCKETED

FEB 27 2002

FILED-ED4
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U.S. DISTRICT COURT

COMPLAINT

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").

1-1

6. This action arises under the patent laws of the United States, Title 35 of the United States Code.

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 X10 Wireless Technology, Inc. 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, X10 Wireless Technology, Inc., is a corporation duly organized and existing under the laws of the State of Delaware.

14. Defendant, X10 Wireless Technology, Inc., has its principal place of business at 15200 52nd Avenue South, Seattle, WA 98188.

15. Defendant, X10 Wireless Technology, Inc., has and continues to infringe one or more claims of the '900 Patent first by its using, manufacturing, selling, and offering to sell products covered by one or more claims of the '900 Patent and by at least using one or more automated interactive telephone systems to automate several operations of its business, and/or by offering its actual and/or potential customers, and its customer's customers, access to at least one such system, through a telephone number 1-(800) 675-3044 within this district, such systems embodying the elements of such claim(s) of the '900 Patent; and/or Defendant X10 Wireless Technology, Inc. is inducing the same or contributing to the same by performing these acts, and will continue to do so unless enjoined by this Court.

WHEREFORE, Plaintiff, Philip S. Jackson prays:

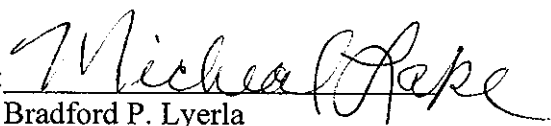
1. That this Court adjudge and decree that Defendant has infringed one or more of the claims of United States Patent No. B2 4,596,900;
2. That this Court permanently enjoin Defendant, its officers, agents, servants, employees, attorneys, successors, and assigns, and all others in active concert of participation 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

JS 44 (Rev. 3/99)

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
 PHILIP S. JACKSON
 909 S. Clifton
 Park Ridge, IL 60068

JUDGE HIBBLER

DEFENDANTS
 X10 WIRELESS TECHNOLOGY, INC.
 15200 52nd Avenue South
 Seattle, WA 98188039-2402

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FEB 27 2002
 U.S. DISTRICT COURT
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(b) County of Residence of First Listed Plaintiff Cook
 (EXCEPT IN U.S. PLAINTIFF CASES)

MAGISTRATE JUDGE ASHMAN

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))

02C

Attorneys (If Known)
1395

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

1 U.S. Government Plaintiff
 2 Federal Question (U.S. Government Not a Party)
 3 Federal Question (U.S. Government Not a Party)
 4 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
 of Business In Another State 5
 Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6

| IV. NATURE OF SUIT (Place an "X" in One Box Only) | | | FORFEITURE/PENALTY | | BANKRUPTCY | | OTHER STATUTES | |
|---|---|---|--|--|---|---|--|--|
| CONTRACT | | | TORTS | | PROPERTY RIGHTS | | | |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 365 Personal Injury — Med. Malpractice | <input type="checkbox"/> 625 Drug Related of Property 21 USC | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 820 Copyrights | | <input type="checkbox"/> 430 Banks and Banking | |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Liability | <input type="checkbox"/> 630 Liquor Laws | <input checked="" type="checkbox"/> 830 Patent | | <input type="checkbox"/> 450 Commerce/ICC | | |
| <input type="checkbox"/> 150 Recovery of Overpayment or Enforcement of Judgment | <input type="checkbox"/> 340 Marine Liability | <input type="checkbox"/> 380 Other Personal PROPERTY | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 840 Trademark | | <input type="checkbox"/> 460 Deportation | | |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans | <input type="checkbox"/> 350 Motor Vehicle | | <input type="checkbox"/> 660 Occupational Safety/Health | SOCIAL SECURITY | | <input type="checkbox"/> 470 Racketeer Influence and | | |
| <input type="checkbox"/> 153 Recovery of Veteran's Benefits | | | | <input type="checkbox"/> 861 RIA (4395ff) | | <input type="checkbox"/> 810 Selective Service | | |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | LABOR | <input type="checkbox"/> 864 SSID Title XVI | | <input type="checkbox"/> 850 Securities/Commodities/ | | |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 700 Labor Management Disputes | <input type="checkbox"/> 865 RSI (405(g)) | | <input type="checkbox"/> 880 Other Securities/Commodities/ | | |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 530 General Habeas Corpus: | <input type="checkbox"/> 740 Railway Labor Act | FEDERAL TAX SUITS | | <input type="checkbox"/> 890 Freedom of Information Act | | |
| <input type="checkbox"/> 230 Rent Lease & Ejectment to Land | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access Justice | | |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 540 Mandamus & Habeas Corpus | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | | <input type="checkbox"/> 950 Constitutionality of State Statutes | | |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 555 Prison Condition | | | | <input type="checkbox"/> 890 Other Statutory Act | | |

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 [Signature]

FOR OFFICE USE ONLY
 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
Chicago, Illinois 60606-6622
(312) 554-3300

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

JUDGE HIBBLER

In the Matter of

PHILIP S. JACKSON

MAGISTRATE JUDGE ASHMAN

V.

X10 WIRELESS TECHNOLOGY, INC.

020 1395

Case Number:

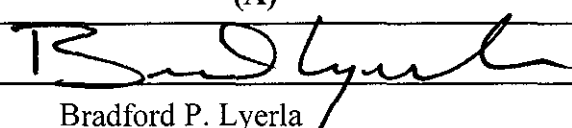
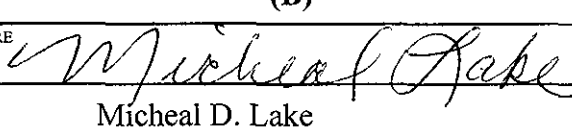
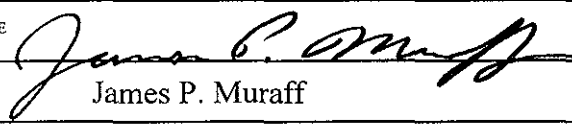
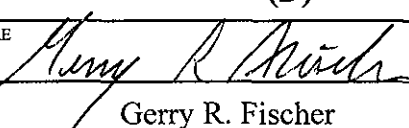
DOCKETED

FEB 27 2002

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

PHILIP S. JACKSON, Plaintiff

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U.S. DISTRICT COURT

| (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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