

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

DOCKETED
AUG 15 2002

WIRELESS SPECTRUM TECHNOLOGIES, INC.)
An Illinois Corporation)

Plaintiff,)

v.)

NORTEL NETWORKS, INC.)

Defendant.)

02C 5827

Case No.

Judge **JUDGE MANNING**

Magistrate Judge

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

COMPLAINT

PLAINTIFF, Wireless Spectrum Technologies, Inc. ("WST") for its Complaint against
Nortel Networks, Inc. ("Nortel ") alleges as follows:

1. This is an action for violation of the Patent Laws of the United States, Title 35,
United States Code. Jurisdiction is in this Court under 28 U.S.C. §§ 1332 and 1338 (a). Venue
is proper in this Court under 28 U.S.C §§1391(b) (c) and § 1400(b). The matter in controversy
exceeds the sum or value of \$75,000 exclusive of costs and interest.

2. WST is a corporation organized under the laws of the state of Illinois and having
its principal offices in 19 Court of Island, Northbrook, Illinois, 60062.

3. Upon information and belief, Nortel is a corporation organized under the laws of
the state of Delaware with Central Region offices at 475 N. Martingale Road, Schaumburg, IL
60173.

4. On April 5, 1988, United States Patent No. 4, 736,453 ("the '453 patent"), a copy
of which is attached as Attachment A, entitled "Method and Apparatus for Making Frequency

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U.S. DISTRICT COURT

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Channel Assignment in a Cellular or Non-Cellular Radiotelephone Communications System ” duly and legally issued to inventor Gerald R. Schloermer.

5. WST is the assignee of the ‘453 patent with full rights to sue for past and current infringement of, and to enjoin the future infringement of the ‘453 patent.

6. On or about March 26, 1998, WST timely gave defendant Nortel notice of the ‘453 patent and from that date, WST has sought information that would assist WST in confirming whether Nortel’s adaptive channel allocation products are within the lawful scope of one or more claims of the ‘453 patent.

7. On or about June 5, 2000, Nortel provided a single chapter entitled “Feature Description” of the operating manual of one of its adaptive channel allocation products, the DMS/MTX Adaptive Channel Allocation Deployment Guide for WST’s review.

8. Pursuant to agreement between Nortel and WST, WST provided Nortel in July 2000 with a claim chart reading claims 1 and 11 of the ‘453 patent upon the Feature Description chapter of the DMS/MTX Adaptive Channel Allocation Deployment Guide prepared by WST experts William Anderson and Leo Aubel.

9. With the exception of the above noted Feature Description, despite WST’s requests for additional information, Nortel has provided no information about the operation of its adaptive channel allocation products.

10. Upon information and belief, WST is unaware of any technique by which it can analyze Nortel’s adaptive channel allocation products. Purchase of the appropriate products is impractical because the product’s costs are beyond the meager budget of a small startup corporation like WST. In the absence of responses from Nortel, WST resorts to the judicial process and the aid of discovery to obtain under appropriate judicial safeguards such information

as is required to confirm their belief and to present the Court with evidence that each and every of Nortel's adaptive channel allocation products infringe one or more claims of the '453 patent.

11. Upon information and belief, defendant Nortel has been and still is guilty of infringement, contributory infringement and/or inducing infringement of WST's '453 patent within this district by making, using, importing, selling or offering for sale its adaptive channel allocation products including but not limited to software for channel assignment and/or handoff in the Motorola iDEN system, and/or software used in the Fuzzy Logic and/or Adaptive Channel Allocation or Channel Assignment for cellular radio products and other cellular systems embodying the patented invention of the '453 patent without leave or license from WST, all to WST's substantial damage.

12. Upon information and belief, defendant Nortel has committed and will continue to commit the aforesaid acts of infringement intentionally in a willful and deliberate manner unless enjoined by this Court.

13. This is an exceptional case within the meaning of Title 35 United States Code Section 285.

14. WST is suffering irreparable injury caused by defendant Nortel's acts of infringement.

WHEREFORE Wireless Spectrum Technologies, Inc. prays that this Court:

- (a) adjudge United States Patent No. 4,736,453 valid, enforceable, and infringed by defendant Nortel ;
- (b) preliminarily and permanently enjoin defendant Nortel, its officers, agents, servants, employees and all those in active concert or participation with them

from all acts of infringement, contributory infringement or inducing infringement of United States Patent No. 4,736,453;

- (c) order defendant Nortel to account for damages sustained as a result of their acts of infringement, contributory infringement or inducing infringement of said letter patent, with interest, such damage so found then to be increased threefold;
- (d) award WST its costs, expenses and reasonable attorney's fees for bringing and prosecuting this action; and
- (e) award WST such other and further relief as the Court may deem to be just and proper.

WIRELESS SPECTRUM
TECHNOLOGIES, INC.

Dated: 8/15/02

By: 

Marvin N. Benn
Stephen J. Cassin
Hamman & Benn
10 South LaSalle, Suite 3300
(312) 372-2920

Attorneys for Plaintiff
Wireless Spectrum
Technologies, Inc

Caf

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Civil Cover Sheet

020 5827

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

JUDGE MANNING

Plaintiff(s): **WIRELESS SPECTRUM TECHNOLOGIES, INC**

Defendant(s): **NORTEL NETWORKS, INC.**

DOCKETED

County of Residence:

County of Residence:

**MAGISTRATE JUDGE AUG 15 2002
GERALDINE SOAT BROWN**

Plaintiff's Atty: **Marvin N. Benn
Hamman & Benn
10 S. LaSalle Street, Suite 3300
312.372.2920**

Defendant's Atty:

II. Basis of Jurisdiction: **3. Federal Question (U.S. not a party)**

III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: **- 4 IL corp or Principal place of Bus. in IL**
Defendant: **- 5 Non IL corp and Principal place of Business outside IL**

[Signature]
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IV. Origin : **1. Original Proceeding**

V. Nature of Suit: **830 Patent**

VI. Cause of Action: **35 USC Section 1 et al.**

VII. Requested in Complaint

Class Action: **No**
Dollar Demand:
Jury Demand: **No**

VIII. This case **IS NOT** a refiling of a previously dismissed case.

Signature: *Stephen J. Cassano*

Date: *15 August 2002*

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

Eastern Division

DOCKETED

AUG 15 2002

In the Matter of

WIRELESS SPECTRUM TECHNOLOGIES, INC
v.
NORTEL NETWORKS, INC.

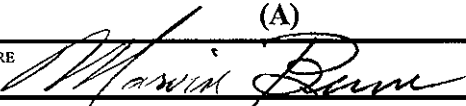
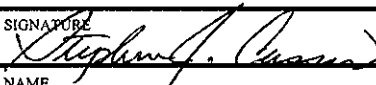

Case Number:
02C 5827

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

WIRELESS SPECTRUM TECHNOLOGIES, INC.

JUDGE MANNING

MAGISTRATE JUDGE
GERALDINE SOAT BROWN

(A)		(B)	
SIGNATURE 	SIGNATURE 	U.S. DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS FILED AUG 15 2002 CHICAGO, ILL.	
NAME Marvin N. Benn	NAME Stephen J. Cassin		
FIRM HAMMAN & BENN	FIRM HAMMAN & BENN		
STREET ADDRESS 10 S. LaSalle Street	STREET ADDRESS 10 S. LaSalle Street		
CITY/STATE/ZIP Chicago, Illinois 60603	CITY/STATE/ZIP Chicago, Illinois 60603		
TELEPHONE NUMBER (312) 372-2920	TELEPHONE NUMBER (312) 372-2920		
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 00170615	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 6197267		
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		
	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		
(C)		(D)	
SIGNATURE 	SIGNATURE		
NAME Dawn M. Cassie	NAME		
FIRM HAMMAN & BENN	FIRM		
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TELEPHONE NUMBER (312) 372-2920	TELEPHONE NUMBER		
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 06180972	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		
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TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		

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