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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JAN 16 2009

JAMES N. HATTEN, Clerk
By *[Signature]* Deputy Clerk

DATASCAPE, INC.,)
a Georgia Corporation,)
)
Plaintiff,)
)
v.)
)
SPRINT SPECTRUM, L.P.)
A Delaware Limited Partnership,)
)
and)
)
SPRINT SOLUTIONS, INC.)
A Delaware Corporation,)
)
Defendants.)
_____)

Civil Action File No.:

1 09-CV-0136

JURY TRIAL DEMANDED

-CC

COMPLAINT

Plaintiff, Datascape, Inc., states as its Complaint as follows:

JURISDICTION AND VENUE

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

2. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §§1391(b) and (c).

THE PARTIES

4. Plaintiff, Datascope, Inc. (“Datascope”) is a Georgia Corporation, with its principal place of business at 7840 Roswell Road, Suite 322, Atlanta, Georgia 30350.

5. Datascope is the owner, by assignment, of all right, title, and interest in and to United States Patent No. 5,742,845 (Exhibit “A”), United States Patent No. 5,905,908 (Exhibit “B”), United States Patent No. 6,366,967 (Exhibit “C”), United States Patent No. 6,684,269 (Exhibit “D”), and United States Patent No. 6,745,259 (Exhibit “E”), including the right to bring suit for patent infringement. The above-listed Datascope patents are hereinafter referred to as the “Datascope patents-in-suit.”

6. Defendant Sprint Spectrum, L.P. (“Sprint Spectrum”) is a Delaware Limited Partnership with a registered agent at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

7. Defendant Sprint Solutions, Inc. (“Sprint Solutions”) is a Delaware Corporation with a registered agent at 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

8. Upon information and belief, Defendants Sprint Spectrum and Sprint Solutions (collectively "Defendants") have and continue to infringe the Datascope patents-in-suit in the State of Georgia, within this judicial district, and elsewhere throughout the United States. Upon information and belief, Defendants are subject to the personal jurisdiction of this Court.

THE CONTROVERSY

9. The Datascope patents-in-suit are valid and enforceable.

10. The Datascope patents-in-suit have been licensed by Datascope.com, the American Express Company, Rand McNally & Co., Nokia Corporation, Samsung Electronics Company Limited, LG Electronics Inc., Sanyo Electric Co., Ltd., Matsushita Electric Industrial Co. Ltd., Motorola, Inc., Pantech&Curitel Communications, Inc., and others.

11. The Defendants have in the past sold, or currently offer for sale and sell, Internet-enabled wireless handsets, such as, for example, CDM-105, CDM-120, PC5740, PM-8912, PM-8920, PPC-6600, PPC-6601, PPC-6700, PPC-6700, KTV Fan View, EX720, S620, S720, U720, U727, Treo 600 Series, Treo 650 Series, Treo 700 Series, Treo 755 Series, Treo 800 Series, PPC-6800, RIM 6510, RIM 7100i, RIM 7130e, RIM 7250, RIM 7510, RIM 7520, RIM 8130, RIM 8330, RIM 8703, RIM 8830, Blackberry 7250, Blackberry Smartcard reader, 597E, AirCard 580,

AirCard 595U, 595USB, Compass 597 USB, AirCard 597E, Wireless AC595, AIRAVE, and VM-4050.

12. The Defendants also have in the past sold, or currently offer for sale and sell, downloads for use with Internet-enabled wireless handsets, such as, for example, "Ringers," "Themes," "Screen Savers," "Call Tones," Games, Music, TV/Radio programs, and "Applications" from Defendants' Digital LoungeSM Web Site. The Defendants also have in the past used and/or currently use servers that support downloads for Internet-enabled wireless handsets.

13. The Defendants have in the past sold or continue to offer for sale, sell, import into the United States, and/or use one or more products and/or processes that infringe one or more claims of the Datascape patents-in-suit.

COUNT ONE: PATENT INFRINGEMENT

U.S. PATENT NO. 5,742,845

14. Datascape realleges and incorporates herein the allegations of paragraphs 1 through 13 of this Complaint as if fully set forth herein.

15. Upon information and belief, Defendants have engaged in the manufacture, offer for sale, sale, import, and/or use of products and/or processes that constitutes infringement of one or more claims of U.S. Patent No. 5,742,845 in violation of 35 U.S.C. §271. The infringing products and/or processes made, offered

for sale, sold, imported, and/or used by Defendants comprise at least Defendants' Internet-enabled wireless handsets, downloads for the Internet-enabled wireless handsets, and servers for the downloads.

16. Defendants' infringement of U.S. Patent No. 5,742,845 has been, and continues to be, deliberate and willful.

17. Datascape has and continues to suffer damages as a direct and proximate result of Defendants' infringement of U.S. Patent No. 5,742,845 and will suffer additional and irreparable damages unless Defendants are permanently enjoined by this Court from continuing infringement. Datascape has no adequate remedy at law.

18. Datascape is entitled to: (1) damages adequate to compensate it for Defendants' infringement, which amounts to, at a minimum, a reasonable royalty; (2) treble damages; (3) its attorneys' fees and costs; and (4) a preliminary and permanent injunction.

COUNT TWO: PATENT INFRINGEMENT

U.S. PATENT NO. 5,905,908

19. Datascape realleges and incorporates herein the allegations of paragraphs 1 through 18 of this Complaint as if fully set forth herein.

20. Upon information and belief, Defendants have engaged in the manufacture, offer for sale, sale, import, and/or use of products and/or processes that constitutes infringement of one or more claims of U.S. Patent No. 5,905,908 in violation of 35 U.S.C. §271. The infringing products and/or processes made, offered for sale, sold, imported, and/or used by Defendants comprise at least Defendants' Internet-enabled wireless handsets, downloads for the Internet-enabled wireless handsets, and servers for the downloads.

21. Defendants' infringement of U.S. Patent No. 5,905,908 has been, and continues to be, deliberate and willful.

22. Datascape has and continues to suffer damages as a direct and proximate result of Defendants' infringement of U.S. Patent No. 5,905,908 and will suffer additional and irreparable damages unless Defendants are permanently enjoined by this Court from continuing infringement. Datascape has no adequate remedy at law.

23. Datascope is entitled to: (1) damages adequate to compensate it for Defendants' infringement, which amounts to, at a minimum, a reasonable royalty; (2) treble damages; (3) its attorneys' fees and costs; and (4) a preliminary and permanent injunction.

COUNT THREE: PATENT INFRINGEMENT

U.S. PATENT NO. 6,366,967

24. Datascope realleges and incorporates herein the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Upon information and belief, Defendants have engaged in the manufacture, offer for sale, sale, import, and/or use of products and/or processes that constitutes infringement of one or more claims of U.S. Patent No. 6,366,967 in violation of 35 U.S.C. §271. The infringing products and/or processes made, offered for sale, sold, imported, and/or used by Defendants comprise at least Defendants' Internet-enabled wireless handsets, downloads for the Internet-enabled wireless handsets, and servers for the downloads.

26. Defendants' infringement of U.S. Patent No. 6,366,967 has been, and continues to be, deliberate and willful.

27. Datascope has and continues to suffer damages as a direct and proximate result of Defendants' infringement of U.S. Patent No. 6,366,967 and will

suffer additional and irreparable damages unless Defendants are permanently enjoined by this Court from continuing infringement. Datascope has no adequate remedy at law.

28. Datascope is entitled to: (1) damages adequate to compensate it for Defendants' infringement, which amounts to, at a minimum, a reasonable royalty; (2) treble damages; (3) its attorneys' fees and costs; and (4) a preliminary and permanent injunction.

COUNT FOUR: PATENT INFRINGEMENT

U.S. PATENT NO. 6,684,269

29. Datascope realleges and incorporates herein the allegations of paragraphs 1 through 28 of this Complaint as if fully set forth herein.

30. Upon information and belief, Defendants have engaged in the manufacture, offer for sale, sale, import, and/or use of products and/or processes that constitutes infringement of one or more claims of U.S. Patent No. 6,684,269 in violation of 35 U.S.C. §271. The infringing products and/or processes made, offered for sale, sold, imported, and/or used by Defendants comprise at least Defendants' Internet-enabled wireless handsets, downloads for the Internet-enabled wireless handsets, and servers for the downloads.

31. Defendants' infringement of U.S. Patent No. 6,684,269 has been, and continues to be, deliberate and willful.

32. Datascape has and continues to suffer damages as a direct and proximate result of Defendants' infringement of U.S. Patent No. 6,684,269 and will suffer additional and irreparable damages unless Defendants are permanently enjoined by this Court from continuing infringement. Datascape has no adequate remedy at law.

33. Datascape is entitled to: (1) damages adequate to compensate it for Defendants' infringement, which amounts to, at a minimum, a reasonable royalty; (2) treble damages; (3) its attorneys' fees and costs; and (4) a preliminary and permanent injunction.

COUNT FIVE: PATENT INFRINGEMENT

U.S. PATENT NO. 6,745,259

34. Datascape realleges and incorporates herein the allegations of paragraphs 1 through 33 of this Complaint as if fully set forth herein.

35. Upon information and belief, Defendants have engaged in the manufacture, offer for sale, sale, import, and/or use of products and/or processes that constitutes infringement of one or more claims of U.S. Patent No. 6,745,259 in violation of 35 U.S.C. §271. The infringing products and/or processes made, offered for sale, sold, imported, and/or used by Defendants comprise at least Defendants' Internet-enabled wireless handsets, downloads for the Internet-enabled wireless handsets, and servers for the downloads.

36. Defendants' infringement of U.S. Patent No. 6,745,259 has been, and continues to be, deliberate and willful.

37. Datascape has and continues to suffer damages as a direct and proximate result of Defendants' infringement of U.S. Patent No. 6,745,259 and will suffer additional and irreparable damages unless Defendants are permanently enjoined by this Court from continuing infringement. Datascape has no adequate remedy at law.

38. Datascope is entitled to: (1) damages adequate to compensate it for Defendants' infringement, which amounts to, at a minimum, a reasonable royalty; (2) treble damages; (3) its attorneys' fees and costs; and (4) a preliminary and permanent injunction.

PRAYER FOR RELIEF

WHEREFORE, Datascope, Inc. seeks the following relief:

a. That Defendants be ordered to pay damages adequate to compensate Datascope for Defendants' infringement of the Datascope patents-in-suit pursuant to 35 U.S.C. §284;

b. That Defendants be ordered to pay treble damages and attorneys' fees pursuant to 35 U.S.C. §§284 and 285;

c. That Defendants be enjoined from further infringement of the Datascope patents-in-suit pursuant to 35 U.S.C. §283;

d. That Defendants be ordered to pay prejudgment interest;

e. That Defendants be ordered to pay all costs associated with this action;

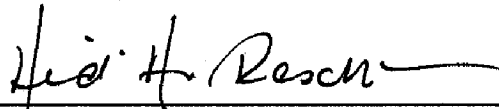
and

f. That Datascope be granted such other and additional relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Datascape demands a trial by jury of all issues triable of right by a jury.

Respectfully submitted this 16th day of January 2009.



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