

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

IMPERIUM (IP) HOLDINGS, INC.,

Plaintiff,

v.

APPLE INC.,  
KYOCERA COMMUNICATIONS, INC.,  
LG ELECTRONICS U.S.A., INC.,  
LG ELECTRONICS MOBILECOMM U.S.A.,  
INC.,  
MOTOROLA MOBILITY HOLDINGS, INC.,  
NOKIA, INC.,  
RESEARCH IN MOTION CORPORATION,  
and  
SONY ERICSSON MOBILE  
COMMUNICATIONS (USA), INC.,

Defendants.

Case No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Imperium (IP) Holdings, Inc. files this Complaint for Patent Infringement against Defendants Apple Inc.; Kyocera Communications, Inc.; LG Electronics U.S.A., Inc.; LG Electronics Mobilecomm U.S.A., Inc.; Motorola Mobility Holdings, Inc.; Nokia, Inc.; Research in Motion Corporation; and Sony Ericsson Mobile Communications (USA), Inc. (collectively “the Defendants”) and alleges as follows:

**THE PARTIES**

1. Plaintiff Imperium (IP) Holdings, Inc. (“IIPH”) is a Cayman Islands corporation having a place of business at 515 Madison Avenue, New York, NY 10022.

2. Upon information and belief, Apple Inc. (“Apple”) is a California corporation having its principal place of business at 1 Infinite Loop, Cupertino, California 95014, and is registered to do business in the State of Texas.

3. Upon information and belief, Kyocera Communications, Inc. (“Kyocera”) is a Delaware corporation having its principal place of business at 10300 Campus Point Drive, San Diego, California 92121, and is registered to do business in the State of Texas.

4. Upon information and belief, LG Electronics U.S.A., Inc. is a Delaware corporation with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, and is registered to do business in the State of Texas.

5. Upon information and belief, LG Electronics Mobilecomm U.S.A., Inc. is a California corporation having its principal place of business at 10101 Old Grove Road, San Diego, California 92131, is registered to do business in the State of Texas, and is a wholly owned subsidiary of LG Electronics U.S.A., Inc. LG Electronics U.S.A., Inc. and LG Electronics Mobilecomm U.S.A., Inc. are referred to collectively herein as “LG.”

6. Upon information and belief, Motorola Mobility Holdings, Inc. (“Motorola”) is a Delaware corporation having its principal place of business at 1303 East Algonquin Road, Schaumburg, Illinois 60196, and is registered to do business in the State of Texas.

7. Upon information and belief, Nokia Inc. (“Nokia”) is a Delaware corporation having its principal place of business at 6021 Connection Drive, Irving, Texas 75039-2607, and is registered to do business in the State of Texas.

8. Upon information and belief, Research in Motion Corporation (“RIM”) is a Delaware corporation having its principal place of business at 122 West John Carpenter Parkway, Suite 430, Irving, Texas 75039, and is registered to do business in the State of Texas.

9. Upon information and belief, Sony-Ericsson Mobile Communications (USA) Inc. (“Sony Ericsson”) is a Delaware corporation having its principal place of business at

3333 Piedmont Road, Suite 600, Atlanta, Georgia 30305, and is registered to do business in the State of Texas.

### **JURISDICTION AND VENUE**

10. This is a claim for patent infringement and arises under the laws of the United States, Title 35 of the United States Code.

11. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

12. This Court has personal jurisdiction over Apple in this action because Apple has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Apple would not offend traditional notions of fair play and substantial justice. Moreover, Apple is registered to do business in the State of Texas and identifies C T Corp System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234, as its registered agent.

13. This Court has personal jurisdiction over Kyocera in this action because Kyocera has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Kyocera would not offend traditional notions of fair play and substantial justice. Moreover, Kyocera is registered to do business in the State of Texas and identifies Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 East 7th Street, Suite 620, Austin, Texas 78701-3218, as its registered agent.

14. This Court has personal jurisdiction over LG in this action because LG has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over LG would not offend traditional notions of fair play and substantial justice. Moreover, LG Electronics Mobilecomm U.S.A., Inc. is registered to do business in the State of Texas and identifies National Registered Agents, Inc., 16055 Space Center Boulevard., Suite 235, Houston, Texas

77062, as its registered agent and LG Electronics U.S.A., Inc. is registered to do business in the State of Texas and identifies United States Corporation Co., 211 East 7th Street, Suite 620, Austin, Texas 78701-3218, as its registered agent.

15. This Court has personal jurisdiction over Motorola in this action because Motorola has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Motorola would not offend traditional notions of fair play and substantial justice. Moreover, Motorola is registered to do business in the State of Texas and identifies C T Corp System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234, as its registered agent.

16. This Court has personal jurisdiction over Nokia in this action because Nokia has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Nokia would not offend traditional notions of fair play and substantial justice. Moreover, Nokia is registered to do business in the State of Texas and identifies National Registered Agents, Inc., 16055 Space Center Blvd., Suite 235, Houston, Texas 77062, as its registered agent.

17. This Court has personal jurisdiction over RIM in this action because RIM has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over RIM would not offend traditional notions of fair play and substantial justice. Moreover, RIM is registered to do business in the State of Texas and identifies C T Corp System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234, as its registered agent.

18. This Court has personal jurisdiction over Sony-Ericsson in this action because Sony Ericsson has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Sony Ericsson would not offend traditional notions of fair play and substantial justice. Moreover, Sony Ericsson is registered to do business in the State of Texas and identifies

Capitol Corporate Services, Inc., 800 Brazos, Suite 400, Austin, Texas 78701, as its registered agent.

19. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(b) and (c), and 1400(b), because the Defendants have committed acts of direct and indirect infringement in the Eastern District of Texas and have transacted business in the Eastern District of Texas.

**COUNT ONE**  
**INFRINGEMENT OF U.S. PATENT NO. 6,271,884**

20. IIPH realleges and incorporates by reference paragraphs 1-19 above.

21. IIPH is the owner of United States Patent No. 6,271,884 (the “’884 Patent”) (attached as Exhibit A), entitled “Image Flicker Reduction With Fluorescent Lighting.”

22. The ’884 Patent was duly and legally issued by the United States Patent and Trademark Office on August 7, 2001.

23. Apple has infringed, and continues to infringe, one or more claims of the ’884 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the iPhone 3G cell phone, throughout the United States, including in this judicial district.

24. Kyocera has infringed, and continues to infringe, one or more claims of the ’884 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the x-TC M2000 cell phone, throughout the United States, including in this judicial district.

25. LG has infringed, and continues to infringe, one or more claims of the ’884 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited

to the Voyager VX10000 cell phone, throughout the United States, including in this judicial district.

26. Motorola has infringed, and continues to infringe, one or more claims of the '884 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the EM330 cell phone, throughout the United States, including in this judicial district.

27. Nokia has infringed, and continues to infringe, one or more claims of the '884 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the Surge 6790 cell phone, throughout the United States, including in this judicial district.

28. RIM has infringed, and continues to infringe, one or more claims of the '884 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the Blackberry Storm2 cell phone, throughout the United States, including in this judicial district.

29. Sony Ericsson has infringed, and continues to infringe, one or more claims of the '884 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the W350a cell phone, throughout the United States, including in this judicial district.

30. IIPH has been, and continues to be, damaged by Defendants' infringement of the '884 Patent.

**COUNT TWO**  
**INFRINGEMENT OF U.S. PATENT NO. 6,838,651**

31. IIPH realleges and incorporates by reference paragraphs 1-30 above.

32. IIPH is the owner of United States Patent No. 6,838,651 (the "'651 Patent") (attached as Exhibit B), entitled "High Sensitivity Snap Shot CMOS Image Sensor."

33. The '651 Patent was duly and legally issued by the United States Patent and Trademark Office on January 4, 2005.

34. Apple has infringed, and continues to infringe, one or more claims of the '651 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the iPhone 3G cell phone, throughout the United States, including in this judicial district.

35. Kyocera has infringed, and continues to infringe, one or more claims of the '651 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the x-TC M2000 cell phone, throughout the United States, including in this judicial district.

36. LG has infringed, and continues to infringe, one or more claims of the '651 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the Voyager VX10000 cell phone, throughout the United States, including in this judicial district.

37. Motorola has infringed, and continues to infringe, one or more claims of the '651 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the EM330 cell phone, throughout the United States, including in this judicial district.

38. Nokia has infringed, and continues to infringe, one or more claims of the '651 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the Surge 6790 cell phone, throughout the United States, including in this judicial district.

39. Sony Ericsson has infringed, and continues to infringe, one or more claims of the '651 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering

for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the W350a cell phone, throughout the United States, including in this judicial district.

40. IIPH has been damaged, and continues to be damaged, by Defendants' infringement of the '651 Patent.

**COUNT THREE  
INFRINGEMENT OF U.S. PATENT NO. 6,838,715**

41. IIPH realleges and incorporates by reference paragraphs 1-40 above.

42. IIPH is the owner of United States Patent No. 6,838,715 (the "'715 Patent") (attached as Exhibit C), entitled "CMOS Image Sensor Arrangement With Reduced Pixel Light Shadowing."

43. The '715 Patent was duly and legally issued by the United States Patent and Trademark Office on January 4, 2005.

44. Apple has infringed, and continues to infringe, one or more claims of the '715 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the iPhone 3G cell phone, throughout the United States, including in this judicial district.

45. Kyocera has infringed, and continues to infringe, one or more claims of the '715 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the x-TC M2000 cell phone, throughout the United States, including in this judicial district.

46. LG has infringed, and continues to infringe, one or more claims of the '715 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the Voyager VX10000 cell phone, throughout the United States, including in this judicial district.



47. Motorola has infringed, and continues to infringe, one or more claims of the '715 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the EM330 cell phone, throughout the United States, including in this judicial district.

48. Nokia has infringed, and continues to infringe, one or more claims of the '715 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the Surge 6790 cell phone, throughout the United States, including in this judicial district.

49. RIM has infringed, and continues to infringe, one or more claims of the '715 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the Blackberry Storm2 cell phone, throughout the United States, including in this judicial district.

50. Sony Ericsson has infringed, and continues to infringe, one or more claims of the '715 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the W350a cell phone, throughout the United States, including in this judicial district.

51. IIPH has been damaged and continues to be damaged by Defendants' infringement of the '715 Patent.

**COUNT FOUR**  
**INFRINGEMENT OF U.S. PATENT NO. 7,064,768**

52. IIPH realleges and incorporates by reference paragraphs 1-51 above.

53. IIPH is the owner of United States Patent No. 7,064,768 (the "'768 Patent") (attached as Exhibit D), entitled "Bad Pixel Correction While Preserving Features."

54. The '768 Patent was duly and legally issued by the United States Patent and Trademark Office on June 20, 2006.

55. Apple has infringed, and continues to infringe, one or more claims of the '768 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the iPhone 3G cell phone, throughout the United States, including in this judicial district.

56. LG has infringed, and continues to infringe, one or more claims of the '768 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the Voyager VX10000 cell phone, throughout the United States, including in this judicial district.

57. IIPH has been damaged and continues to be damaged by Apple's and LG's infringement of the '768 Patent.

**COUNT FIVE  
INFRINGEMENT OF U.S. PATENT NO. 7,109,535**

58. IIPH realleges and incorporates by reference paragraphs 1-57 above.

59. IIPH is the owner of United States Patent No. 7,109,535 (the "'535 Patent") (attached as Exhibit E), entitled "Semiconductor Device for Isolating a Photodiode to Reduce Junction Leakage."

60. The '535 Patent was duly and legally issued by the United States Patent and Trademark Office on September 19, 2006.

61. Apple has infringed, and continues to infringe, one or more claims of the '535 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the iPhone 3G cell phone, throughout the United States, including in this judicial district.

62. LG has infringed, and continues to infringe, one or more claims of the '535 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited

to the Voyager VX10000 cell phone, throughout the United States, including in this judicial district.

63. Nokia has infringed, and continues to infringe, one or more claims of the '535 Patent in violation of 35 U.S.C. § 271(a) by manufacturing, using, selling, offering for sale, and/or importing cell phones and/or other devices with image sensors, including, but not limited to the Surge 6790 cell phone, throughout the United States, including in this judicial district.

64. IIPH has been damaged and continues to be damaged by Apple's, LG's, and Nokia's infringement of the '535 Patent.

#### **PRAYER FOR RELIEF**

WHEREFORE, IIPH demands judgment against Defendants, including its affiliates, officers, agents, servants, employees, and all persons in active concert or participation with them, as follows:

A. An award to IIPH of such damages under 35 U.S.C. § 284 as it shall prove against the Defendants for infringement of the '884 Patent, '651 Patent, '715 Patent, '768 Patent and '535 Patent, together with pre-judgment and post-judgment interest;

B. A permanent injunction prohibiting Apple, Kyocera, LG, Motorola, Nokia, RIM and Sony Ericsson from further acts of infringement of the '884 Patent, '651 Patent, '715 Patent, '768 Patent and '535 Patent;

C. An award to IIPH of the costs of this action and its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and

D. Such other and further relief as this Court may deem just and appropriate.

**JURY DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, IIPH demands a trial by jury.

Respectfully submitted,

Date: March 18, 2011

/s/ Alan M Fisch  
Alan M. Fisch  
KAYE SCHOLER LLP  
The McPherson Building  
901 Fifteenth Street, N.W.  
Washington, D.C. 20005-2327  
(202) 682-3500 telephone  
(202) 682-3580 facsimile  
Email: alan.fisch@kayescholer.com

*Attorneys for Imperium (IP) Holdings, Inc.*