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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

FREEDOM WIRELESS, INC.,)
)
) Plaintiff,)
)
) - v. -)
)
) BOSTON COMMUNICATIONS GROUP,)
) INC. and NEXTEL COMMUNICATIONS,)
) INC.,)
)
) Defendants.)
)

05 11061 EFH

Civil Action No.

RECEIPT # 64449
AMOUNT \$ 250.00
SUMMONS ISSUED 2
LOCAL RULE 4.1 -
WAIVER FORM -
MCF ISSUED -
BY DPTY. CLK. M.P.
DATE 5/20/05

COMPLAINT FOR PATENT INFRINGEMENT

JURISDICTION AND VENUE

MAGISTRATE JUDGE _____

- (1) This is a patent infringement action brought under the patent laws of the United States, 35 U.S.C. § 1 et seq. This action arises under the Patent Act, 35 U.S.C. § 271. This Court has original jurisdiction over the patent infringement claims in this action under 28 U.S.C. §§ 1331 and 1338(a).
- (2) Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b). Defendant Boston Communications Group, Inc. ("BCGI") resides in the District of Massachusetts, and a substantial part of the events giving rise to the claims occurred in the District of Massachusetts.

PARTIES

- (3) Plaintiff Freedom Wireless, Inc. ("Freedom") is a Nevada corporation with its principal place of business in Phoenix, Arizona.

- (4) Upon information and belief, defendant Boston Communications Group, Inc. is a Massachusetts corporation with its principal place of business in Bedford, Massachusetts and is doing business in the State of Massachusetts and this judicial district.
- (5) Upon information and belief, defendant Nextel Communications, Inc. ("Nextel") is a Delaware Corporation with its principal place of business in Reston, Virginia and is doing business in the State of Massachusetts and this judicial district.

FIRST CLAIM FOR RELIEF

- (6) Freedom realleges and incorporates herein by reference each and every allegation contained in paragraphs (1) through (5) above, as though set forth at length.
- (7) Freedom is the assignee and owner of United States Patent No. 5,722,067 (the "'067 patent") entitled "Security Cellular Telecommunications System," a copy of which is attached to this Complaint as Exhibit 1. The '067 patent was duly and legally issued by the United States Patent and Trademark Office on February 24, 1998.
- (8) The '067 patent relates to, among other things, a novel cellular telecommunications system that allows pre-paid users to complete cellular telephone calls without the necessity of entering additional account codes and further allows account usage to be monitored in real time so that usage may be terminated upon exhaustion of a pre-paid account.
- (9) Defendants are not licensed or otherwise authorized by Freedom to make, use, offer for sale, or sell any telecommunications system or method claimed in the '067 patent.
- (10) Upon information and belief, defendants have been and are infringing the '067 patent by making, using, offering for sale, and selling pre-paid cellular programs and systems that

utilize telecommunications systems and methods claimed in the '067 patent, including BCGI prepaid programs and systems.

- (11) Upon information and belief, defendants are aiding and abetting, and actively inducing and contributing to infringement of the '067 patent by each other defendant and by nonparties.
- (12) By reason of defendants' infringing activities, Freedom has suffered, and will continue to suffer, substantial damages, in an amount to be proven at trial.
- (13) Defendants' acts complained of herein have damaged and will continue to damage Freedom irreparably. Freedom has no adequate remedy at law for these wrongs and injuries. Freedom is therefore entitled to an injunction restraining and enjoining defendants and their agents, servants, and employees, and all persons acting thereunder, in concert with, or on their behalf, from infringing the claims of the '067 patent.
- (14) Upon information and belief, defendants' infringement has been and continues to be willful.

SECOND CLAIM FOR RELIEF

- (15) Freedom realleges and incorporates herein by reference each and every allegation contained in paragraphs (1) through (14) above, as though set forth at length.
- (16) Freedom is the assignee and owner of United States Patent No. 6,157,823 (the "'823 patent") entitled "Security Cellular Telecommunications System," a copy of which is attached to this Complaint as Exhibit 2. The '823 patent was duly and legally issued by the United States Patent and Trademark Office on December 5, 2000.
- (17) The '823 patent relates to, among other things, a novel cellular telecommunications system that allows pre-paid users to complete cellular telephone calls without the

necessity of entering additional account codes and further allows account usage to be monitored in real time so that usage may be terminated upon exhaustion of a pre-paid account.

- (18) Defendants are not licensed or otherwise authorized by Freedom to make, use, offer for sale, or sell any telecommunications system or method claimed in the '823 patent.
- (19) Upon information and belief, defendants have been and are infringing the '823 patent by making, using, offering for sale, and selling pre-paid cellular programs and systems that utilize telecommunications systems and methods claimed in the '823 patent, including BCGI prepaid programs and systems.
- (20) Upon information and belief, defendants are aiding and abetting, and actively inducing and contributing to infringement of the '823 patent by each other defendant and by nonparties.
- (21) By reason of defendants' infringing activities, Freedom has suffered, and will continue to suffer, substantial damages, in an amount to be proven at trial.
- (22) Defendants' acts complained of herein have damaged and will continue to damage Freedom irreparably. Freedom has no adequate remedy at law for these wrongs and injuries. Freedom is therefore entitled to an injunction restraining and enjoining defendants and their agents, servants, and employees, and all persons acting thereunder, in concert with, or on their behalf, from infringing the claims of the '823 patent.
- (23) Upon information and belief, defendants' infringement has been and continues to be willful.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Freedom prays for a judgment in favor of plaintiff and against defendants as follows:

- (1) that defendants have infringed and are infringing United States Patent No. 5,722,067 and that such infringement is willful;
- (2) that defendants have infringed and are infringing United States Patent No. 6,157,823 and that such infringement is willful;
- (3) that defendants and their officers, agents, representatives, servants, and employees and all persons in active concert or participation with them be enjoined from continued infringement of United States Patent No. 5,722,067;
- (4) that defendants and their officers, agents, representatives, servants, and employees and all persons in active concert or participation with them be enjoined from continued infringement of United States Patent No. 6,157,823;
- (5) that defendants be ordered to pay Freedom its damages caused by defendants' infringement of United States Patent No. 5,722,067, and that such damages be trebled, together with interest thereon;
- (6) that defendants be ordered to pay Freedom its damages caused by defendants' infringement of United States Patent No. 6,157,823, and that such damages be trebled, together with interest thereon;
- (7) that this case be declared exceptional pursuant to 35 U.S.C. § 285 and that Freedom be awarded its reasonable attorneys' fees and costs; and
- (8) that Freedom have such other and further relief as the Court deems just and proper.

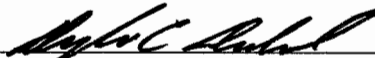
JURY TRIAL DEMAND

Freedom demands a trial by jury on all issues so triable raised herein.

Respectfully submitted,

FREEDOM WIRELESS, INC.

By its attorneys,



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Dated: May 20, 2005

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