

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

PETER V. BOESEN and)
SP TECHNOLOGIES, LLC,)
)
Plaintiffs,)

v.)

KYOCERA WIRELESS CORPORATION,)
LG ELECTRONICS U.S.A., INC.,)
LG ELECTRONICS, INC.,)
LG INFOCOMM U.S.A., INC.,)
SANYO NORTH AMERICA CORPORATION,)
SANYO ELECTRIC CO., LTD.,)

Defendants.)

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Peter V. Boesen ("Boesen") and SP Technologies, LLC ("SPT"), complain of Defendants, Kyocera Wireless Corporation ("Kyocera"), LG Electronics U.S.A., Inc., LG Electronics, Inc. and LG InfoComm U.S.A., Inc. (collectively "LG Electronics"), Sanyo North America Corporation and Sanyo Electric Co., Ltd. (collectively "Sanyo"), as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

PARTIES

2. Peter V. Boesen is an individual residing in this judicial district at 4026 Beaver Avenue, Des Moines, Iowa 50310. Mr. Boesen is the inventor and owner of United States Patent No. 6,892,082 B2 (the "'082 patent"), entitled "Cellular Telephone and Personal Digital Assistance" and issued May 10, 2005 (Exhibit A).

3. SP Technologies, LLC is a Delaware limited liability corporation with a place of business at 501 5th Avenue NE #85, St. Petersburg, Florida 33701. SPT is the exclusive licensee of the '082 patent; it has the entire and exclusive right to sue and collect damages for any past infringement.

4. Defendant Kyocera Wireless Corporation is a Delaware corporation with a principal place of business at 10300 Campus Point Drive, San Diego, California 92121.

5. LG Electronics U.S.A., Inc. is a Delaware corporation with a principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.

6. LG Electronics, Inc. is a Korean corporation with a principal place of business at LG Twin Towers 20, Yoido-dong, Youngdungpo-gu, Seoul 150-721, Korea.

7. LG InfoComm U.S.A., Inc. is a Delaware corporation with a principal place of business at 10225 Willow Creek Road, San Diego, California 92131.

8. Sanyo North America Corporation is a Delaware corporation having a principal place of business at 2055 Sanyo Avenue, San Diego, California 92154.

9. Sanyo Electric Co. Ltd. is a Japanese corporation with a principal place of business at Sanyo Electric Co., Ltd. 1-1 Sanyo-cho, Daito City, Osaka 574-8534 Japan.

JURISDICTION AND VENUE

10. Each defendant transacts business in this district, including the importation into the United States, sale and/or offer for sale of infringing products in this judicial district and throughout Iowa and the United States.

11. This Court has personal jurisdiction over each defendant by virtue of each defendant's tortious acts of patent infringement, which have been committed in Iowa, and each defendant's transaction of business in Iowa.

12. Venue is proper in this district under 28 U.S.C. §§ 1391(c)-(d) and 1400(b).

DEFENDANTS' ACTS OF PATENT INFRINGEMENT

13. Defendants have infringed the '082 patent through, among other activities, the manufacture, use, importation, sale and/or offer for sale of cellular telephones covered by claims 4, 5 and 6 of the '082 patent. Defendants have also knowingly and intentionally induced others to infringe (such as their customers and end-users in this judicial district and throughout the United States) by willfully and intentionally aiding, assisting and encouraging such infringement.

14. For example, Kyocera's manufacture, use, importation, offer for sale and/or sale of its phone Models SoHO/KX1 and 7135 Smartphone constitute infringement of claims 4 and 5 of the '082 patent.

15. LG's manufacture, use, importation, offer for sale and/or sale of its phone models VI-5225, VI125, VX4500, VX6000, VX7000, VX8000, AX4750, VX4700, VX4600, VX8100, VX4650, UX4750, PM225, VX6100, L1200, L1400, L1400i, for example, constitute infringement

of claims 4 and 5 of the '082 patent and its manufacture, use importation, offer for sale and/or sale of its phone model PM325 constitutes infringement of claims 4-6 of the '082 patent.

16. Sanyo's manufacture, use, importation, offer for sale and/or sale of its phone models VI-2300, RL-7300, MM-7400, PM-8200, MM-8300, MM-5600, VM-4500, for example, constitute infringement of claims 4 and 5 of the '082 patent.

17. Each defendant's infringement has injured plaintiffs and plaintiffs are entitled to recover damages adequate to compensate them for such infringement, but in no event less than a reasonable royalty.

18. Each defendant's infringement has been willful in violation of 35 U.S.C. § 284, and has injured and will continue to injure plaintiffs, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further manufacture, use, importation, offers for sale and/or sale of cellular telephones and/or wireless products that fall within the scope of the '082 patent.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs ask this Court to enter judgment against each defendant, and against their respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- A. An award of damages adequate to compensate plaintiffs for the infringement that has occurred, together with prejudgment interest from the date infringement of the '082 patent began;
- B. An award to plaintiffs of all remedies available under 35 U.S.C. § 284;
- C. An award to plaintiffs of all remedies available under 35 U.S.C. § 285;

D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the '082 patent; and,

E. Such other and further relief as this Court or a jury may deem proper and just.

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

Respectfully submitted,

/s/ Jeffrey D. Harty

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