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US DISTRICT COURT  
MIDDLE DISTRICT  
ORLANDO FLORIDA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA**

BRANDYWINE COMMUNICATIONS  
TECHNOLOGIES, LLC,

Plaintiff,

v.

SPRINT SPECTRUM L.P.,

Defendant.

Civil Case No. 6:12-cv-281 Orl-36 DAB

JURY TRIAL DEMANDED

**PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Brandywine Communications Technologies, LLC ("Brandywine" or "Plaintiff"), for its Complaint against defendant Sprint Spectrum L.P. ("Sprint" or "Defendant"), alleges the following:

**INTRODUCTION**

1. This is an action for infringement of United States Patent No. 5,373,149 ("the '149 patent") under 35 U.S.C. § 271(a).

**PARTIES**

2. Plaintiff Brandywine is a limited liability company with its principal place of business at 1612 Mt. Pleasant Road, Villanova, Pennsylvania, 19085.

3. Upon information and belief, Sprint is a company organized and existing under the laws of the State of Delaware, with its principal executive offices at 12502 Sunrise Valley Dr., Reston, VA 20191. Upon information and belief, Sprint has one or more offices or facilities within this judicial district. Upon information and belief, Sprint sells and offers to sell products and services throughout the United States, including in this judicial district and introduces

products and services that perform infringing processes into the stream of commerce knowing that they would be sold in this judicial district and elsewhere in the United States.

#### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

6. This Court has personal jurisdiction over the Defendant. Upon information and belief, the Defendant has transacted business in this judicial district directly or indirectly and has committed acts of patent infringement in this judicial district including, among other things, through the sale of infringing products and/or products that perform infringing processes directly, or through retailers or other businesses located in Florida and this judicial jurisdiction.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

#### **FIRST CLAIM FOR RELIEF PATENT INFRINGEMENT OF U.S. PATENT NO. 5,373,149 (35 U.S.C. § 271)**

8. The allegations set forth in the foregoing paragraphs 1 through 7 are incorporated into this First Claim for Relief.

9. On December 13, 1994, the '149 patent, entitled "Folding Electronic Card Assembly," was duly and legally issued by the United States Patent and Trademark Office to inventor Kris A. Rasmussen, and has been duly and legally assigned to Brandywine. A copy of the '149 patent is attached as Exhibit A.

10. Upon information and belief, Defendant Sprint has infringed and continues to infringe one or more claims of the '149 patent in this judicial district and elsewhere by making, using, selling and offering for sale, services and products that infringe and/or perform processes

that infringe one or more claims of the '149 patent ("Sprint Accused Services and Products for the '149 patent").

11. Sprint Accused Services and Products for the '149 patent include, but are not limited to, Novatel Ovation U720 EVDO USB modem, Merlin EX720 modem, Merlin S720 EVDO Rev A modem, and Sprint U301 modem.

12. Sprint had actual knowledge of the '149 patent and its alleged infringement of that patent since at least October 3, 2011, when Sprint was served with Plaintiff's Original Complaint in *Brandywine Communications Technologies, LLC v. Audiovox Corporation, et al.*, Case 6:11-cv-1367 (M.D. Fla. filed August 16, 2011).

13. Upon information and belief, Sprint's continued infringement despite its knowledge of the '149 patent and Brandywine's accusations of infringement has been objectively reckless and willful.

14. Because of Sprint's infringement of the '149 patent, Brandywine has suffered damages and will continue to suffer damages in the future.

#### **PRAYER FOR RELIEF**

Wherefore, Plaintiff Brandywine demands judgment against Sprint and against its respective subsidiaries, affiliates, agents, servants, employees, licensees, and all persons acting or attempting to act in active concert or participation with it or acting on its behalf, granting the following relief:

- A. A judgment in favor of Brandywine that Sprint has infringed the '149 patent;
- B. An award of damages adequate to compensate Brandywine for the infringement, together with pre- and post-judgment interest and an accounting;
- C. Increased damages pursuant to 35 U.S.C. § 284;

D. A finding that this case is exceptional and an award to Brandywine of its attorneys' fees, expenses and costs pursuant to 35 U.S.C. § 285; and

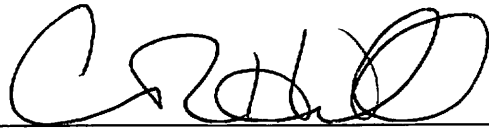
E. Such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Brandywine demands a trial by jury.

Dated: February 21, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher T. Hill", written over a horizontal line.

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