

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

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

BRANDYWINE COMMUNICATIONS
TECHNOLOGIES, LLC,

Plaintiff,

v.

CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS,

Defendant.

Civil Case No. 6:12 CW 277-ORL-360AB

JURY TRIAL DEMANDED

PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Brandywine Communications Technologies, LLC ("Brandywine" or "Plaintiff"), for its Complaint against defendant Cellco Partnership (doing business as Verizon Wireless) ("Verizon" 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, Verizon is a company organized and existing under the laws of Delaware and has its principal place of business at 180 Washington Valley Rd., Bedminster, NJ 07921. Upon information and belief, Verizon has one or more offices or facilities within this judicial district. Upon information and belief, Verizon 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. At least as of the time of service of this Complaint, Verizon has had actual knowledge of the '149 Patent. A copy of the '149 patent is attached as Exhibit A.

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

or more claims of the '149 patent ("Verizon Accused Services and Products for the '149 patent").

11. Verizon Accused Services and Products for the '149 patent include, but are not limited to, the Verizon USB727 modem, Verizon Wireless PC 5220 modem, Verizon USB720 modem, and 4G LTE USB Modem 551L.

12. Verizon had actual knowledge of the '149 patent and its alleged infringement of that patent since at least October 3, 2011, when Verizon 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, Verizon'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 Verizon'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 Verizon 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 Verizon 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;

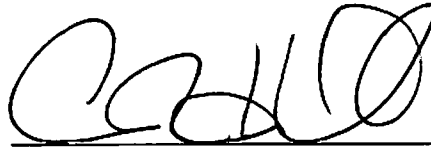
- D. A finding that this case is exceptional and an award to Brandywine of its attorneys' fees, expenses and costs pursuant to 35 U.S.C. § 285; and
- E. Such other and further relief as this Court may deem just and proper.

JURY DEMAND

Brandywine demands a trial by jury.

Dated: February 21, 2012

Respectfully submitted,



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