

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**H-W Technology L.C.,**

Plaintiff,

**v.**

**LG Electronics, Inc. and LG Electronics  
MobileComm U.S.A., Inc.;**

Defendants.

**CIVIL ACTION NO.**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff H-W Technology, L.C. (“H-W” or “Plaintiff”), as and for its Complaint against LG Electronics, Inc. and LG Electronics MobileComm U.S.A., Inc. (collectively “LG” or “Defendants”), demand a trial by jury and allege as follows:

**PARTIES**

1. Plaintiff H-W Technology, L.C. is a Texas corporation having a principal place of business at 4601 13<sup>TH</sup> Street, Lubbock, TX 79416.

2. On information and belief, Defendant LG Electronics, Inc. is a Republic of Korea limited company with its principal place of business in LG Twin Towers, 20 Yeouido-dong, Yeongdeungpo-gu, Seoul, South Korea. On information and belief, LG Electronics, Inc. is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. On information and belief, LG Electronics, Inc. resides in this jurisdiction within the meaning of 28 U.S.C. § 1400(b). This proceeding arises, in part, out of business done in this state. LG Electronics, Inc. may be served with process in Korea pursuant to the Hague

Convention on the Service Abroad of Judicial and Extrajudicial Documents, Article 1, November 15, 1965 T.I.A.S. No. 6638, 20 U.S.T. 361 (U.S. Treaty 1969). LG Electronics, Inc. regularly conducts and transacts business in Texas, throughout the United States, and within the Northern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

3. On information and belief, Defendant LG Electronics MobileComm U.S.A., Inc. is a corporation organized and existing under the laws of the State of California with its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632. This defendant has appointed Alan K. Tse, 10101 Old Grove Road, San Diego, CA 92131 as its agent for service of process. LG Electronics MobileComm U.S.A., Inc. regularly conducts and transacts business in Texas, throughout the United States, and within the Northern District of Texas, itself and/or through one or more subsidiaries, affiliates, business divisions, or business units.

#### **JURISDICTION AND VENUE**

4. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, each Defendant has transacted business in this district, and has committed acts of patent infringement in this district, including via their websites.

6. On information and belief, Defendants are subject to this Court's general and specific personal jurisdiction because: each Defendant has minimum contacts within the State of Texas and the Northern District of Texas, including via their websites, pursuant to due process and/or the Texas Long Arm Statute, each Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Northern District of Texas; each Defendant regularly conducts and solicits business within the State of Texas and within the

Northern District of Texas; and H-W's causes of action arise directly from Defendants' business contacts and other activities in the State of Texas and in the Northern District of Texas.

7. More specifically, each Defendant, directly and/or through intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including the provision of interactive web pages) its products and services in the United States, the State of Texas, and the Northern District of Texas. On information and belief, each Defendant has committed patent infringement in the State of Texas and in the Northern District of Texas. Each Defendant solicits customers in the State of Texas and in the Northern District of Texas. Each Defendant has customers who are residents of the State of Texas and the Northern District of Texas and who each use respective Defendants' products and services in the State of Texas and in the Northern District of Texas.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,525,955**

8. H-W is the owner of all rights, title and interest to United States Patent No. 7,525,955 ("the '955 Patent") entitled "Internet Protocol (IP) Phone with Search and Advertising Capability." The '955 Patent was issued on April 28, 2009 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '955 Patent was filed on March 17, 2005 and benefits from a priority date of March 19, 2004. Attached as Exhibit A is a copy of the '955 Patent.

9. The '955 Patent is generally directed to novel, unique and non-obvious systems and methods of using a multi-convergence device, including phones commonly referred to as "smartphones", which are able to converge voice and data within a single terminal, and which allow users of such devices via domain specific applications to receive information and offers from merchants and to complete a transaction with one of said merchants without having to generate a voice call.

10. On information and belief, Defendants LG Electronics, Inc. and LG Electronics MobileComm U.S.A., Inc. have been and now is infringing the '955 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell a multi-convergence device having domain specific applications that allow users to complete a merchant transaction without the need to generate a voice call. On information and belief, an example of an LG Electronics, Inc. and LG Electronics MobileComm U.S.A., Inc. product that infringes the '955 Patent includes, but is not limited to the LG G2x product. Defendants LG Electronics, Inc. and LG Electronics MobileComm U.S.A., Inc. are thus liable for infringement of the '955 Patent pursuant to 35 U.S.C. § 271.

11. To the extent that facts learned in discovery show that Defendants' infringement of the '955 Patent is or has been willful, H-W reserves the right to request such a finding at time of trial.

12. As a result of these Defendants' infringement of the '955 Patent, H-W has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

13. Unless a permanent injunction is issued enjoining these Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '955 Patent, H-W will be greatly and irreparably harmed.

**PRAYER FOR RELIEF**

WHEREFORE, H-W respectfully requests that this Court enter:

A. A judgment in favor of H-W that Defendants have infringed the '955 Patent, and that such infringement was willful;

B. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '955 Patent;

C. A judgment and order requiring Defendants to pay H-W its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '955 Patent as provided under 35 U.S.C. § 284;

D. An award to H-W for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to H-W its reasonable attorneys' fees; and

F. Any and all other relief to which H-W may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

H-W, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: March 2, 2012

Respectfully submitted,

**H-W TECHNOLOGY, L.C.**

/s/ Winston O. Huff

Winston O. Huff, Attorney in Charge  
State Bar No. 24068745

Arthur I. Navarro

State Bar No. 00792013

Navarro Huff, PLLC

302 N. Market, Suite 450

Dallas, TX 75202

214.749.1220 (Firm)

214.749.1233 (Fax)

[whuff@navarrohuff.com](mailto:whuff@navarrohuff.com)

[anavarro@navarrohuff.com](mailto:anavarro@navarrohuff.com)

ATTORNEYS FOR PLAINTIFF

H-W TECHNOLOGY, L.C.

**CERTIFICATE OF FILING**

I hereby certify that on March 2, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Respectfully submitted,

/s/ Winston O. Huff

Winston O. Huff, Attorney in Charge  
State Bar No. 24068745  
Arthur I. Navarro  
State Bar No. 00792013  
Navarro Huff, PLLC  
302 N. Market, Suite 450  
Dallas, TX 75202  
214.749.1220 (Firm)  
214.749.1233 (Fax)  
[whuff@navarrohuff.com](mailto:whuff@navarrohuff.com)  
[anavarro@navarrohuff.com](mailto:anavarro@navarrohuff.com)

ATTORNEYS FOR PLAINTIFF  
H-W TECHNOLOGY, L.C.