

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

MLR, LLC

Plaintiff,

v.

SONIM TECHNOLOGIES, INC.

Defendants.

2012 MAR -1 A 11: 38

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

C.A. No. 2:12 CV 109
AWA/DEM

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

For its Complaint, Plaintiff MLR, LLC (“MLR”) alleges against the Defendant as follows, all upon MLR’s best information and belief:

THE PARTIES

1. Plaintiff MLR is a Limited Liability Company organized and existing under the laws of the Commonwealth of Virginia with its Registered Office and principal place of business at 6524 Truman Lane, Falls Church, Virginia 22043.

2. Defendant Sonim Technologies, Inc. (“Sonim”) is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 1875 South Grant Street, Suite 620, San Mateo, California 94402.

3. MLR is the owner of certain patents. The patents include those that that were issued to MLR and those that were issued to Spectrum Information Technologies, Inc. and subsequently assigned to MLR.

4. Sonim directly or indirectly distributes, markets, sells and/or offers to sell throughout the United States, including in this judicial district, various telecommunication and other

consumer products, including wireless communication devices, associated equipment and software.

JURISDICTION AND VENUE

5. This is an action for patent infringement, arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.*

6. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

7. Sonim conducts substantial business in this judicial district and regularly solicits business from, does business with, and derives revenue from goods and services provided to, customers in this district, and has committed acts of infringement in this judicial district and such acts are continuing. Because Sonim has committed acts of patent infringement in this judicial district and/or is otherwise present and doing business in this judicial district, this Court has personal jurisdiction over Sonim.

8. Because Sonim has committed acts of patent infringement in this judicial district and because Sonim provides services and does business in this judicial district, and otherwise has minimum contacts here, venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), and 1400(b).

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 5,854,985

9. MLR realleges and incorporates herein by reference the allegations stated in paragraphs 1-8 of this Complaint.

10. U.S. Patent No. 5,854,985 entitled “Adaptive Omni-Modal Radio Apparatus And Methods” (the “985 Patent”) was duly and legally issued by the United States Patent and Trademark Office on December 29, 1998, identifying as inventors Joseph B. Sinton, Charles M. Leedom, Jr., and Eric J. Robinson. MLR is the owner by assignment of all right, title and

interest in and to the '985 Patent, including the right to sue, enforce and recover damages for all infringements of the patent. A true and correct copy of the '985 Patent is attached as Exhibit A.

11. Upon information and belief, Sonim has directly or indirectly infringed, and is continuing to directly or indirectly infringe the '985 Patent, by making, using, offering to sell and/or selling in this judicial district and elsewhere within the United States and/or importing into the United States multi-modal products which facilitate wireless communication over any one of a number of wireless communication networks using different radio frequencies and different radio frequency modulation protocols, such as the XP1, XP2 Spirit, XP3 QUEST, XP3 ENDURO, XP3.20 QUEST PRO Z2, XP3.10 ENDURO Z1, XP3.10 ENDURO Z2, XP1301 NFC, XP1300 CORE, XP3300 FORCE, XP3300 + XPand NFC, XP3340 SENTINEL, XP3400 ARMOR, and XP5300 FORCE 3G products, that are within the scope of at least claim 1 of the '985 patent, constituting infringement under 35 U.S.C. § 271 (a), (b), (c) and/or (g).

12. Upon information and belief, Sonim will continue to infringe the '985 Patent unless enjoined by this Court. Upon information and belief, such infringement has been, and will continue to be, willful, making this an exceptional case and entitling MLR to increased damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 6,134,453

13. MLR realleges and incorporates herein by reference the allegations stated in paragraphs 1-8 of this Complaint.

14. U.S. Patent No. 6,134,453 entitled "Adaptive Omni-Modal Radio Apparatus And Methods" (the "'453 Patent") was duly and legally issued by the United States Patent and Trademark Office on October 17, 2000, identifying as inventors Joseph B. Sainton, Charles M. Leedom, Jr., and Eric J. Robinson. MLR is the owner by assignment of all right, title and

interest in and to the '453 Patent, including the right to sue, enforce and recover damages for all infringements of the patent. A true and correct copy of the '453 Patent is attached as Exhibit B.

15. Upon information and belief, Sonim has directly or indirectly infringed, and is continuing to directly or indirectly infringe the '453 Patent, by making, using, offering to sell and/or selling in this judicial district and elsewhere within the United States and/or importing into the United States multi-modal products which facilitate wireless communication over any one of a number of wireless communication networks using different radio frequencies and different radio frequency modulation protocols, such as the XP1, XP2 SPIRIT, XP3 QUEST, XP3 ENDURO, XP3.20 QUEST PRO Z2, XP3.10 ENDURO Z1, XP3.10 ENDURO Z2, XP1301 NFC, XP1300 CORE, XP3300 FORCE, XP3300 + XPand NFC, XP3340 SENTINEL, XP3400 ARMOR, and XP5300 FORCE 3G products, that are within the scope of at least claim 1 of the '453 patent, constituting infringement under 35 U.S.C. § 271 (a), (b), (c) and/or (g).

16. Upon information and belief, Sonim will continue to infringe the '453 Patent unless enjoined by this Court. Upon information and belief, such infringement has been, and will continue to be, willful, making this an exceptional case and entitling MLR to increased damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 6,934,558

17. MLR realleges and incorporates herein by reference the allegations stated in paragraphs 1-8 of this Complaint.

18. U.S. Patent No. 6,934,558 entitled "Adaptive Omni-Modal Radio Apparatus And Methods" (the "'558 Patent") was duly and legally issued by the United States Patent and Trademark Office on August 23, 2005, identifying as inventors Joseph B. Sinton, Charles M. Lcedom, Jr., and Eric J. Robinson. MLR is the owner by assignment of all right, title and

interest in and to the '558 Patent, including the right to sue, enforce and recover damages for all infringements of the patent. A true and correct copy of the '558 Patent is attached as Exhibit C.

19. Upon information and belief, Sonim has directly or indirectly infringed, and is continuing to directly or indirectly infringe the '558 Patent, by making, using, offering to sell and/or selling in this judicial district and elsewhere within the United States and/or importing into the United States multi-modal products which facilitate wireless communication over any one of a number of wireless communication networks using different radio frequencies and different radio frequency modulation protocols, such as the XP1, XP2 SPIRIT, XP3 QUEST, XP3 ENDURO, XP3.20 QUEST PRO Z2, XP3.10 ENDURO Z1, XP3.10 ENDURO Z2, XP1301 NFC, XP1300 CORE, XP3300 FORCE, XP3300 + XPand NFC, XP3340 SENTINEL, XP3400 ARMOR, and XP5300 FORCE 3G products, that are within the scope of at least claims 1, 7 and 8 of the '558 patent, constituting infringement under 35 U.S.C. § 271 (a), (b), (c) and/or (g).

20. Upon information and belief, Sonim will continue to infringe the '558 Patent unless enjoined by this Court. Upon information and belief, such infringement has been, and will continue to be, willful, making this an exceptional case and entitling MLR to increased damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 7,386,322

21. MLR realleges and incorporates herein by reference the allegations stated in paragraphs 1-8 of this Complaint.

22. U.S. Patent No. 7,386,322 entitled "Adaptive Omni-Modal Radio Apparatus And Methods" (the "'322 Patent") was duly and legally issued by the United States Patent and Trademark Office on June 10, 2008, identifying as inventors Joseph B. Sainton, Charles M.

Leedom, Jr., and Eric J. Robinson. MLR is the owner by assignment of all right, title and interest in and to the '322 Patent, including the right to sue, enforce and recover damages for all infringements of the patent. A true and correct copy of the '322 Patent is attached as Exhibit D.

23. Upon information and belief, Sonim has directly or indirectly infringed, and is continuing to directly or indirectly infringe the '322 Patent, by making, using, offering to sell and/or selling in this judicial district and elsewhere within the United States and/or importing into the United States cellular telephones which facilitate voice and data communication over a plurality of wireless communication networks by operating in the PCS frequency band and over networks that operate in other frequency bands using different protocols depending on the networks being accessed, such as the XP1, XP2 SPIRIT, XP3 QUEST, XP3 ENDURO, XP3.20 QUEST PRO Z2, XP3.10 ENDURO Z1, XP3.10 ENDURO Z2, XP1301 NFC, XP1300 CORE, XP3300 FORCE, XP3300 + XPand NFC, XP3340 SENTINEL, XP3400 ARMOR, and XP5300 FORCE 3G products, that are within the scope of at least claim 1 of the '322 patent, and multi-modal products which facilitate wireless communication over any one of a number of wireless communication networks using different radio frequencies and different transmission protocols including instructions for using the same, such as the XP1, XP2 QUEST, XP3 QUEST, XP3 ENDURO, XP3.20 QUEST PRO Z2, XP3.10 ENDURO Z1, XP3.10 ENDURO Z2, XP1301 NFC, XP1300 CORE, XP3300 FORCE, XP3300 + XPand NFC, XP3340 SENTINEL, XP3400 ARMOR, and XP5300 FORCE 3G products, that are within the scope of at least claims 5 and 16 of the '322 patent, constituting infringement under 35 U.S.C. § 271 (a), (b), (c) and/or (g).

24. Upon information and belief, Sonim will continue to infringe the '322 Patent unless enjoined by this Court. Upon information and belief, such infringement has been, and will

continue to be, willful, making this an exceptional case and entitling MLR to increased damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

COUNT V – INFRINGEMENT OF U.S. PATENT NO. RE38,645

25. MLR realleges and incorporates herein by reference the allegations stated in paragraphs 1-8 of this Complaint.

26. U.S. Patent No. RE38,645 entitled "Portable Hybrid Communication System And Methods" (the "'645 Patent") was duly and legally issued by the United States Patent and Trademark Office on November 2, 2004, identifying as the inventor Harry M. O'Sullivan, and expired on January 19, 2009. MLR is the owner by assignment of all right, title and interest in and to the '645 Patent, including the right to sue, enforce and recover damages for all past infringements of the patent. A true and correct copy of the '645 Patent is attached as Exhibit E.

27. Upon information and belief, Sonim directly or indirectly infringed the '645 Patent, by having made, used, offered to sell and/or sold in this judicial district and elsewhere within the United States and/or imported into the United States, prior to January 19, 2009, mobile phones that access multiple public communication networks and facilitate data processing and/or call announcement through changeable ringtones, such as XP1, XP2 SPIRIT, XP3 QUEST, XP3 ENDURO, XP3.20 QUEST PRO Z2, XP3.10 ENDURO Z1, XP3.10 ENDURO Z2, XP1301 NFC, XP1300 CORE, XP3300 FORCE, XP3300 + XPand NFC, XP3340 SENTINEL, XP3400 ARMOR, and XP5300 FORCE 3G products, that are within the scope of at least claims 25, 33, 41 and 48 of the '645 patent, constituting infringement under 35 U.S.C. § 271 (a), (b), (c) and/or (g).

28. Upon information and belief, such infringement has been willful, making this an exceptional case and entitling MLR to increased damages and reasonable attorneys' fees pursuant to 35 U.S.C. §§ 284 and 285.

PRAYER FOR RELIEF

WHEREFORE, MLR prays that it have judgment against Sonim for the following:

- (1) Adjudging that Sonim has infringed the '985, '453, '558, '322 and '645 patents;
 - (2) Permanently enjoining and restraining Sonim and their agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association, active concert or participation with any of them, from further acts of infringement, contributory infringement or inducement of infringement of any asserted claim of the '985, '453, '558, and '322;
 - (3) Awarding damages to MLR, together with both pre-judgment and post-judgment interest;
 - (4) Awarding increased damages pursuant to 35 U.S.C. § 284;
 - (5) Finding this action constitutes an exceptional case pursuant to 35 U.S.C. § 285;
 - (6) Awarding MLR all its costs of this action, including attorneys' fees and expenses;
- and
- (7) Awarding such other and further relief, at law or in equity, to which MLR is justly entitled.

JURY DEMAND

MLR hereby demands a jury trial on all issues appropriately triable by a jury.

Respectfully Submitted,

Dated: March 1, 2012

By: 

Virginia W. Hoptman (VSB # 65565)
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
8065 Leesburg Pike, Fourth Floor
Vienna, VA 22182
Telephone: (703) 790-3310
Facsimile: (703) 790-2623
Email: vhoptman@wcsr.com

Kirk Watkins (GA Bar No. 740550)
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
Atlantic Station
271 17th Street, NW, Suite 2400
Atlanta GA 30363-1017
Telephone: (404) 888-7414
Email: KWatkins@wcsr.com

James M. Lennon (DE Bar No. 4570)
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
222 Delaware Avenue, Suite 1501
Wilmington, Delaware 19801
Telephone: (302) 252-4320
Facsimile: (302) 252-4330
Email: jlennon@wcsr.com