

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GOLDEN BRIDGE TECHNOLOGY, INC.,)
)
Plaintiff,) CA No.
)
vs.)
)
JURY TRIAL DEMANDED
)
HTC CORP. a/k/a HIGH TECH COMPUTER)
CORP., HTC (B.V.I.) CORP., HTC AMERICA,)
INC., and EXEDEA, INC.,)
)
Defendants.)
)

COMPLAINT FOR PATENT INFRINGEMENT

For its Complaint against HTC Corp. a/k/a High Tech Computer Corp., HTC (B.V.I.) Corp., HTC America, Inc., and Exedea, Inc. (collectively referred to as “Defendants” or “HTC”), Plaintiff Golden Bridge Technology, Inc. (“Plaintiff” or “GBT”) alleges as follows:

THE PARTIES

1. Plaintiff GBT is a corporation duly organized and existing under the laws of the State of New Jersey, with its principal place of business at 198 Brighton Avenue, Long Branch, New Jersey 07740. GBT is the owner, by assignment, of all right, title and interest to U.S. Patent No. 6,574,267 B1 (“the ‘267 patent”) (later reexamined and issued as U.S. Patent No. 6,574,267 C1 (“the Re ‘267 patent’’)). The ‘267 patent and the Re ‘267 patent are collectively referred to as the “Patent-in-Suit.”

2. Defendant HTC Corp. a/k/a High Tech Computer Corp. (“HTC Corp.”) is a Chinese corporation with its principal place of business located at No. 23, Xinghua Rd., Taoyuan City, Taoyuan County 330, Taiwan, Republic of China.

3. Defendant HTC (B.V.I.) Corp. (“HTC BVI”) is a wholly-owned subsidiary of Defendant HTC Corp. and is incorporated under the laws of the British Virgin Islands with its principal place of business at 3F, Omar Hodge Building, Wickhams Cay I, P.O. Box 362, Road Town, Tortola, British Virgin Islands. Defendant HTC BVI is engaged in global investing and related activities on behalf of its parent, Defendant HTC Corp., and is itself a parent company of additional named defendants.

4. Defendant HTC America, Inc. (“HTC America”) is a wholly-owned subsidiary of Defendant HTC BVI and is incorporated under the laws of the State of Washington, with its principal place of business at 13920 SE Eastgate Way, Suite 400, Bellevue, Washington 98005. HTC America's registered agent for service of process is the National Registered Agents, Inc., 16055 Space Center Blvd., Suite 235, Houston, Texas 77062.

5. Defendant Exedea, Inc. (“Exedea”) is a wholly-owned subsidiary of HTC BVI and is incorporated under the laws of the State of Texas with its principal place of business at 5950 Corporate Drive, Houston, Texas 77036. Exedea's registered agent for service of process is HTC USA Inc., 5950 Corporate Drive, Houston, Texas 77036-2306.

NATURE OF THE ACTION

6. In this civil action, Plaintiff seeks damages against Defendants for acts of patent infringement in violation of the Patent Act of the United States, 35 U.S.C. §§ 1 et seq.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction of such federal question claims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper under 28 U.S.C. §§ 1391(c) and 1400(b), in that the acts and transactions complained of herein were conceived, carried out, made effective, or had effect within the State of Delaware and within this district, among other places. On information and

belief, Defendants conduct business activities in this judicial district including regularly doing or soliciting business, engaging in conduct and/or deriving substantial revenue from goods and services provided to consumers in the State of Delaware and in this district.

9. On information and belief, this Court has personal jurisdiction over Defendants. Defendants conduct continuous and systematic business in Delaware and in this district by offering to sell and/or selling mobile devices in this State in this district.

**GENERAL OVERVIEW OF CELLULAR TELECOMMUNICATIONS
SYSTEMS AND THE RELATION TO THE PATENT-IN-SUIT**

10. At the highest level of operation, a cellular telecommunications system comprises, at least, a mobile station and a base station.

11. Mobile stations, also known as mobile devices, include cell phones, handsets, smart phones, electronic readers, laptop cards, and other portable devices which enable a user to place and receive calls, send text and multimedia messages, or download or transmit files, media, or other data, among other communication activities.

12. Base stations, typically located on towers, are dispersed throughout geographic locations. The mobile stations must communicate with the base stations before the mobile station is allowed access to the cellular network.

13. In 2008, the standards setting organization known as the Third Generation Partnership Project (“3GPP”) developed a fourth generation (“4G”) standard known as the Long Term Evolution Standard (“LTE”). The 4G LTE standard further expands the usability of mobile devices, beyond the capabilities of the third generation of wireless network standards, also known as “3G”, by expanding the potential number of simultaneous users and increasing the speeds at which communication and data access occurs.

14. Currently, all 4G networks and devices claiming to be LTE compliant must comply with the standard as articulated by 3GPP.

15. On March 22, 1999, GBT filed the '267 patent application and on June 3, 2003, the United States Patent & Trademark Office duly and legally issued United States Letters Patent No. 6,574,267 B1 entitled "RACH-RAMP-UP ACKNOWLEDGEMENT" ("the '267 patent"). A true and correct copy of the '267 patent is attached hereto as Exhibit A and incorporated herein by reference.

16. On December 15, 2009, after a full and fair re-examination of the '267 patent, the United States Patent & Trademark Office duly and legally issued an *Ex Parte* Reexamination Certificate Number 6,574,267 C1 entitled "RACH-RAMP-UP ACKNOWLEDGEMENT". A true and correct copy of the *Ex Parte* Reexamination Certificate Number 6,574,267 C1 ("the Re '267 patent") is attached hereto as Exhibit B. The Patent-in-Suit claims certain aspects of the 4G LTE standards required and articulated by 3GPP.

17. The Patent-in-Suit is directed toward methods and processes which are used by mobile stations to establish communication between mobile stations and base stations over a wireless communication network. The 4G LTE Standard, as promulgated by 3GPP, reads on claims of the Patent-in-Suit. Accordingly, 4G LTE compliant devices, and the use of such devices, infringe the Patent-in-Suit.

**DEFENDANT HTC AND ITS
UNAUTHORIZED USE OF THE PATENT-IN-SUIT**

18. HTC designs and manufactures electronic products, including smartphones. HTC's sales revenue totaled \$2.2 billion for 2005, a 102% increase from the previous year. It has been listed as the fastest growing technology company in BusinessWeek's Info Tech 100.

19. HTC makes, sells, offers for sale and/or imports certain mobile stations which are configured to allow connection to 4G LTE compliant wireless networks. Those mobile stations manufactured by HTC that are configured to allow connection to 4G LTE compliant wireless networks include but are not limited to the THUNDERBOLT, JETSTREAM, REZOUND, TITAN II, VIVID and ONE X.

**FIRST CLAIM FOR RELIEF AGAINST HTC FOR
INFRINGEMENT OF U.S. PATENT NO. 6,574,267 C1**

1-19. Plaintiff incorporates herein by reference the allegations set forth in paragraphs 1 - 19 of this Complaint as though fully set forth herein.

20. Plaintiff GBT is the owner by assignment of the entire right, title, and interest, including the right to enforce the Patent-in-Suit.

21. HTC has directly and indirectly infringed, and continues to directly and indirectly infringe the Patent-in-Suit by making, using, selling, and offering for sale in or importing into the United States mobile station devices used within LTE compliant 4G wireless communication networks, which embody or otherwise practice one or more of the claims of the Patent-in-Suit. These mobile devices include but are not limited to the THUNDERBOLT, JETSTREAM, REZOUND, TITAN II, VIVID and ONE X. Upon information and belief, HTC markets and sells its 4G LTE compliant mobile station devices to end users, either directly or through distributors, and such end users use the mobile station devices in direct infringement of the patent in suit. Upon information and belief, HTC markets and distributes its 4G LTE compliant mobile station devices based upon their 4G LTE compliant characteristics, HTC's 4G LTE compliant mobile station devices are especially designed to operate in a manner that infringes the Patent-in-Suit, and HTC's 4G LTE compliant mobile station devices lack a substantial non-infringing use. In light of the

foregoing, HTC has knowingly and intentionally directly infringed, induced infringement, and/or contributorily infringed the Patent-in-Suit.

22. As a direct and proximate result of HTC's activities directly infringing, inducing and/or contributing to infringement of the Patent-in-Suit pursuant to 35 U.S.C. § 271(a), (b) and/or (c), respectively, Plaintiff has been and continues to be damaged in an amount yet to be determined.

23. HTC has had actual notice of the Patent-in-Suit owned by GBT and its infringement of the Patent-in-Suit since at least as early as April 15, 2009, when GBT sent HTC a letter offering HTC a license.

24. HTC has not had, nor does it have a reasonable basis for believing that it had or has the right to engage in the acts complained of herein.

25. HTC's direct and indirect infringement has been willful and deliberate, making this an exceptional case and justifying the award of treble damages pursuant to 35 U.S.C. § 284 and attorneys' fees pursuant to 35 U.S.C. § 285.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by a jury of twelve pursuant to Rule 38 of the Federal Rules of Civil Procedure as to all issues in this lawsuit.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For a judicial determination and declaration that Defendants have directly and indirectly infringed and continue to so infringe the Patent-in-Suit by making, using, importing, offering for sale, and/or selling mobile devices that are used to connect to LTE compliant 4G wireless networks in the United States;

2. For a judicial determination and decree that Defendants' infringement of the Patent-in-Suit is willful;
3. For damages resulting from Defendants' past and present infringement of the Patent-in-Suit and the trebling of such damages because of the willful and deliberate nature of its infringement;
4. For a declaration that this is an exceptional case under 35 U.S.C. § 285 and for an award of attorneys' fees and costs in this action;
5. For an assessment of prejudgment interest; and
6. For such other and further relief as the Court may deem just and proper under the circumstances.

DATED: April 13, 2012

MCCARTER & ENGLISH, LLP

/s/ Michael P. Kelly

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