

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ADC TECHNOLOGY INC.,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 1:12-cv-6418
v.	)	
	)	
KYOCERA COMMUNICATIONS INC.	)	<b>JURY TRIAL DEMANDED</b>
and KYOCERA CORPORATION,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff ADC Technology Inc., for its complaint against Defendants Kyocera Communications Inc. and Kyocera Corporation (collectively “Defendants”), alleges as follows:

**NATURE OF THE SUIT**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

**PARTIES**

2. ADC Technology Inc. (“ADC”) is a corporation organized under the laws of Japan with a principal place of business in Nagoya, Japan. Among other things, ADC develops technology and has sold products used in wireless communication.

3. ADC is the owner of a series of patents on inventions made by Toshiharu Enmei for ADC, in the field of mobile communication devices.

4. ADC owns all right, title, and interest in, and has standing to sue for, the infringement of United States Patent No. 8,103,313 B2, titled “Portable

Communicator” (“the ‘313 Patent”).

5. Each of the following Defendants have infringed the ‘313 Patent by selling, offering to sell, and/or importing mobile communication devices in the United States, including sales in Illinois and this judicial district.

6. Kyocera Communications Inc. (“Kyocera USA”) is a Delaware corporation with an office at 10300 Campus Point Drive, San Diego, California 92121. Kyocera USA is in the business of designing, importing, selling, and distributing mobile communication devices in the United States.

7. Kyocera Corporation (“Kyocera”) is the parent of Kyocera USA, and is a corporation organized under the laws of Japan with principal offices in Kyoto, Japan. Kyocera is in the business of designing, manufacturing, importing into the United States, and selling mobile communication devices, among other businesses.

### **JURISDICTION AND VENUE**

8. This Court has exclusive jurisdiction over the subject matter of this case for patent infringement under 28 U.S.C. § 1338(a).

9. This Court has personal jurisdiction over Kyocera USA and Kyocera because they conduct business in Illinois, and have committed acts of patent infringement in Illinois and this judicial district, such as the marketing and sale of mobile communication devices to customers in Illinois.

10. Each of the defendants has placed its infringing products in the stream of commerce with knowledge and intent that the products would be distributed and sold, directly or through others in a distribution chain, to

customers in Illinois and this judicial district.

11. Venue is proper in this judicial district under 28 U.S.C. §§ 1400(b) and 1391. All defendants reside in this district because they are subject to personal jurisdiction here. All defendants have committed acts of infringement in this district, and a substantial part of the infringing acts have occurred here. Kyocera Corporation is an alien corporation that can be sued in any district.

### **PATENT INFRINGEMENT**

12. Kyocera USA and Kyocera have infringed at least one claim of the '313 Patent, at least by importing, using, selling, and offering to sell mobile communication devices under the Kyocera and Sanyo brand names, including but not limited to phones designated by the names Zio, Brio, Milano, Torino, Incognito and/or Innuendo.

13. Each Defendant's infringement has injured ADC, and ADC is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

14. ADC's injury will continue unless and until this Court enters an injunction against further infringement by all Defendants.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff ADC Technology Inc. respectfully requests that this Court enter judgment against each of Defendants Kyocera Communications Inc. and Kyocera Corporation, and against their subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

A. The entry of judgment in favor of ADC Technology Inc. on the claim of infringement for the '313 Patent;

B. An award of damages adequate to compensate ADC Technology Inc. for the infringement that has occurred (together with prejudgment interest from the date the infringement began), but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;

C. A permanent injunction against further infringement of the '313 Patent;

D. A finding that this case is exceptional and an award to ADC Technology Inc. of all relief provided by 35 U.S.C. § 285; and

E. Such other and further relief that ADC Technology Inc. is entitled to under law, and any additional relief that this Court or a jury may deem just and proper.

**JURY DEMAND**

ADC Technology Inc. demands a trial by jury on all issues presented in this amended complaint.

Dated: August 14, 2012

ADC Technology Inc.

/s/Richard B. Megley, Jr.

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