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ATTORNEYS FOR PLAINTIFF GPNE CORP.

1 25. Apple's iPhone 5 can transmit and receive data over GPRS networks, such as
2 those operated by AT&T or T-Mobile in the United States.

3 26. Apple's iPhone 5 is advertised as having the ability to operate with Long Term
4 Evolution ("LTE") networks.

5 27. Apple's iPhone 5 can transmit and receive data over LTE networks, such as those
6 operated by AT&T or Verizon in the United States.

7 28. Apple's iPad WiFi + 3G is advertised as having the ability to operate with GPRS
8 networks.

9 29. Apple's iPad WiFi + 3G can transmit and receive data over GPRS networks, such
10 as those operated by AT&T or T-Mobile in the United States.

11 30. Apple's iPad 2 WiFi + 3G is advertised as having the ability to operate with GPRS
12 networks.

13 31. Apple's iPad 2 WiFi + 3G can transmit and receive data over GPRS networks,
14 such as those operated by AT&T or T-Mobile in the United States.

15 32. Apple's iPad WiFi + 4G (3rd Generation) (announced on March 7, 2012 and
16 released on or about March 16, 2012) is advertised as having the ability to operate with GPRS
17 networks.

18 33. Apple's iPad WiFi + 4G (3rd Generation) (announced on March 7, 2012 and
19 released on or about March 16, 2012) can transmit and receive data over GPRS networks, such as
20 those operated by AT&T or T-Mobile in the United States.

21 34. Apple's iPad WiFi + 4G (3rd Generation) (announced on March 7, 2012 and
22 released on or about March 16, 2012) is advertised as having the ability to operate with LTE
23 networks.

24 35. Apple's iPad WiFi + 4G (3rd Generation) (announced on March 7, 2012 and
25 released on or about March 16, 2012) can transmit and receive data over LTE networks, such as
26 those operated by AT&T or Verizon in the United States.

27 36. Apple's iPad WiFi + 4G (4th Generation) (announced on October 23, 2012) is
28 advertised as having the ability to operate with GPRS networks.

1 (3) iPhone 3GS, (4) iPhone 4, (5) iPhone 4S, (6) iPhone 5, (7) iPad WiFi + 3G, (8) iPad2 Wifi +
2 3G, (9) iPad Wifi + 4G (3rd Generation) (announced March 7, 2012), (10) iPad WiFi + Cellular
3 (4th Generation) (announced October 23, 2012), and (11) iPad Mini WiFi + Cellular (announced
4 October 23, 2012) to customers.

5 47. On information and belief, Defendant is directly infringing one or more claims of
6 the '267 patent in this judicial district and elsewhere in the United States, including at least
7 claims 1, 2, 4, 7-8, 10, 19-21, 39-43, and 45, by, among other things, making, using, offering for
8 sale, selling and/or importing cellular phones and tablet products with the ability to send and
9 receive data via LTE including, without limitation, the (1) iPhone 5, (2) iPad Wifi + 4G (3rd
10 Generation) (announced March 7, 2012), (3) iPad WiFi + Cellular (4th Generation) (announced
11 October 23, 2012), and (4) iPad Mini WiFi + Cellular (announced October 23, 2012), to
12 customers.

13 48. GPNE has been damaged as a result of Defendant's infringing conduct described
14 in this Count. Defendant is, thus, liable to GPNE in an amount that adequately compensates it for
15 Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with
16 interest and costs as fixed by this Court under 35 U.S.C. § 284.

17 **COUNT TWO**

18 (INFRINGEMENT OF THE '954 PATENT)

19 49. GPNE incorporates paragraphs 1 through 48 herein by reference.

20 50. This cause of action arises under the patent laws of the United States, and in
21 particular, 35 U.S.C. §§ 271, *et seq.*

22 51. On information and belief, Defendant is directly infringing one or more claims of
23 the '954 patent in this judicial district and elsewhere in the United States, including at least
24 claims 13, 15-20, and 22-26, by, among other things, making, using, offering for sale, selling
25 and/or importing cellular phones and tablet products with the ability to send and receive data via
26 GPRS including, without limitation, the (1) iPhone, (2) iPhone 3G, (3) iPhone 3GS, (4) iPhone 4,
27 (5) iPhone 4S, (6) iPhone 5, (7) iPad WiFi + 3G, (8) iPad2 Wifi + 3G, (9) iPad Wifi + 4G (3rd
28 Generation) (announced March 7, 2012), (10) iPad WiFi + Cellular (4th Generation) (announced

1 October 23, 2012), and (11) iPad Mini WiFi + Cellular (announced October 23, 2012) to
2 customers.

3 52. On information and belief, Defendant is directly infringing one or more claims of
4 the '954 patent in this judicial district and elsewhere in the United States, including at least
5 claims 13, 16-17, and 22, by, among other things, making, using, offering for sale, selling and/or
6 importing cellular phones and tablet products with the ability to send and receive data via LTE
7 including, without limitation, the (1) iPhone 5, (2) iPad Wifi + 4G (3rd Generation) (announced
8 March 7, 2012), (3) iPad WiFi + Cellular (4th Generation) (announced October 23, 2012), and (4)
9 iPad Mini WiFi + Cellular (announced October 23, 2012), to customers.

10 53. GPNE has been damaged as a result of Defendant's infringing conduct described
11 in this Count. Defendant is, thus, liable to GPNE in an amount that adequately compensates it for
12 Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with
13 interest and costs as fixed by this Court under 35 U.S.C. § 284.

14 **COUNT THREE**

15 (INFRINGEMENT OF THE '492 PATENT)

16 54. GPNE incorporates paragraphs 1 through 53 herein by reference.

17 55. This cause of action arises under the patent laws of the United States, and in
18 particular, 35 U.S.C. §§ 271, *et seq.*

19 56. On information and belief, Defendant is directly infringing one or more claims of
20 the '492 patent in this judicial district and elsewhere in the United States, including at least
21 claims 2, 16-17, 28, 37-41, 44, 55-59, 62-63, 66-68, and 71-72, by, among other things, making,
22 using, offering for sale, selling and/or importing cellular phones and tablet products with the
23 ability send and receive data via GPRS including, without limitation, the (1) iPhone, (2) iPhone
24 3G, (3) iPhone 3GS, (4) iPhone 4, (5) iPhone 4S, (6) iPhone 5, (7) iPad WiFi + 3G, (8) iPad2
25 Wifi + 3G, (9) iPad Wifi + 4G (3rd Generation) (announced March 7, 2012), (10) iPad WiFi +
26 Cellular (4th Generation) (announced October 23, 2012), and (11) iPad Mini WiFi + Cellular
27 (announced October 23, 2012) to customers.

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1 Dated: October 24, 2012

Respectfully Submitted,

3 **GARTEISER HONEA, P.C.**

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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2012, I electronically submitted the foregoing FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT using the electronic case files system of the court. The electronic case files system sent a “Notice of Electronic Filing” to individuals who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Randall Garteiser
Randall T. Garteiser