

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

HUNTS POINT VENTURES, INC.

Plaintiff,

v.

RESEARCH IN MOTION LIMITED and
RESEARCH IN MOTION CORPORATION,

Defendant.

CASE NO. 12-cv-307

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Hunts Point Ventures, Inc. hereby alleges for its complaint against defendants Research In Motion Limited and Research In Motion Corporation (together, “RIM”) on personal information as to Plaintiff’s own activities, and upon information and belief as to the activities of others, as follows:

NATURE OF THE ACTION

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

PARTIES

2. Plaintiff HUNTS POINT VENTURES is a Washington corporation with its principal place of business in Washington State.

3. Hunts Point Ventures is the owner of U.S. Patent No. 7,667,123 (“the ’123 Patent”), entitled “System and Method for Musical Playlist Selection in a Portable Audio Device”, issued February 23, 2010 (copy attached as Exhibit A).

4. Hunts Point Ventures is the owner of the entire right, title, and interest in the '123 Patent and has standing to sue for all past, present, and future infringement of the '123 Patent.

5. Upon information and belief, Defendant RESEARCH IN MOTION LIMITED is a Canadian corporation with its principal place of business at 259 Phillip Street, Waterloo, Ontario, N2L 3W8 Canada. Upon information and belief, Research In Motion Limited, on its own behalf or through one or more subsidiaries, affiliates, business divisions, or business units transacts business and provided to customers in this judicial district and throughout the State of Wisconsin products that infringe and/or induce infringement of, and/or contribute to infringement of, claim 1 of the '123 Patent.

6. Upon information and belief, Defendant RESEARCH IN MOTION CORPORATION is a Delaware corporation with its principal place of business at 122 West John Carpenter Parkway, Suite 430, Irving, TX 75039. Upon information and belief, Research In Motion Corporation on its own behalf or through one or more subsidiaries, affiliates, business divisions, or business units transacts business and provided to customers in this judicial district and throughout the State of Wisconsin products that infringe and/or induce infringement of, and/or contribute to infringement of, claim 1 of the '123 Patent. On information and belief, Research In Motion Corporation is a wholly-owned subsidiary of Research In Motion Limited and exists for the purpose of conducting Research In Motion Limited's business throughout the United States.

7. Upon information and belief, RIM manufactures, imports into the United States, sells, offers for sale, and/or uses portable media player products that infringe claim 1 of the '123 Patent, including the following (collectively, the "Black Berry

Handsets”): BlackBerry 8800 Series 8800, 8820, 8830; BlackBerry Bold 9650
BlackBerry Bold 9790; BlackBerry Curve 9330; BlackBerry Curve 9300; BlackBerry
Curve 8980; BlackBerry Curve 8350i; BlackBerry Curve 8330; BlackBerry Pearl
8130/8230; BlackBerry Storm 9500/9530; BlackBerry Storm2 9520/9550; BlackBerry
Style 9670; BlackBerry Torch 9850/9860; BlackBerry Torch 9810; BlackBerry Torch
9800; and BlackBerry Tour 9630.

8. Upon information and belief, the BlackBerry Handsets are or have been offered for sale to customers in this judicial district and throughout the State of Wisconsin.

JURISDICTION AND VENUE

9. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. Personal jurisdiction over Defendants is proper in this court. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

DEFENDANT’S INFRINGEMENT OF THE ’123 PATENT

11. Upon information and belief, Defendant RIM has infringed and continues to infringe the ’123 Patent under 35 U.S.C. § 271(a) by making, using, modifying, upgrading, performing quality control, and providing support for its BlackBerry Handsets.

12. Upon information and belief, RIM has also been and is directly infringing the ’123 Patent under 35 U.S.C. § 271(a) by selling, offering for sale, and/or importing into the United States BlackBerry Handsets that infringe claim 1 of the ’123 patent.

13. Upon information and belief, RIM's customers and other users of Defendant's BlackBerry Handsets and the services provided by means of those products, have been and are directly infringing claim 1 of the '123 Patent under 35 U.S.C. § 271(a).

14. Upon information and belief, RIM has been and is actively inducing infringement of claim 1 of the '123 Patent under 35 U.S.C. § 271(b) by providing to customers, including customers in this judicial district, its BlackBerry Handsets, as well as services provided by means of its BlackBerry Handsets, along with instructions and directions that result in the use of the invention disclosed and claimed in the '123 Patent. On information and belief, Defendant knew, or should have known, that its customers and other users of its BlackBerry Handsets would use Defendant's BlackBerry Handsets to infringe the '123 Patent and intended such infringement.

15. Upon information and belief, RIM has been and is contributorily infringing claim 1 of the '123 Patent under 35 U.S.C. § 271(c) by making, selling, and/or offering for sale to customers, including customers in this judicial district, its BlackBerry Handsets, as well as services provided by means of its BlackBerry Handsets. Defendant's BlackBerry Handsets are a material part of the invention claimed in the '123 patent, are not staple articles or commodities of commerce, and have no substantial non-infringing use. Upon information and belief, Defendant knew, or should have known, that its BlackBerry Handsets were especially made or adapted for an infringing use.

16. Defendant RIM's infringement, contributory infringement, and inducement to infringe the '123 Patent has been willful and has deliberately injured and will continue to injure Hunts Point Ventures unless and until the Court enters a preliminary and permanent injunction prohibiting further infringement and, specifically,

enjoining further manufacture, use, importation, sale, and/or offer for sale of products that infringe the '123 Patent.

**CAUSE OF ACTION
INFRINGEMENT OF U.S. PATENT NO. 7,667,123**

17. Defendant RIM has infringed and is infringing the '123 Patent by making, using, offering for sale, and selling in the United States, without authority, products that infringe claim 1 of the '123 Patent.

18. Defendant's infringement of the '123 Patent is willful and deliberate, justifying an increase of damages of up to three times under 35 U.S.C. § 284.

19. Defendant's infringement of the '123 Patent is exceptional and entitles Hunts Point Ventures to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

20. Defendant's acts of infringement have caused damage to Hunts Point Ventures, and Hunts Point Ventures is entitled to recover from Defendant compensation as a result of Defendant's wrongful acts in an amount subject to proof at trial, injunctive relief, and such other relief as may be appropriate.

DEMAND FOR JURY TRIAL

21. Hunts Point Ventures demands a trial by jury under Federal Rule of Civil Procedure 38(b).

RELIEF REQUESTED

WHEREFORE, Hunts Point Ventures asks this Court to enter judgment against RIM and its subsidiaries, affiliates, agents, servants, and employees and all persons in active concert or participation with them, granting the following relief:

- A. A judgment or order declaring that Defendant has infringed, induced others to infringe, and/or contributorily infringed the '123 Patent;
- B. A judgment, order, or award of damages adequate to compensate Hunts Point Ventures for Defendant's infringement of the '123 Patent, based on lost sales, lost profits, price erosion, loss of market share, or any other applicable theory, together with prejudgment interest from the date infringement of the '123 Patent began;
- C. Preliminary and permanent injunctions prohibiting further infringement, inducement, and contributory infringement of the '123 Patent;
- D. A finding that this case is exceptional and an award to Hunts Point Ventures of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- E. Increased damages as permitted by 35 U.S.C. § 284, together with prejudgment interest; and
- F. Such other and further relief as this Court or a jury may deem proper and just.

Dated May 3, 2012.

Respectfully Submitted,

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