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18 *ATTORNEYS FOR PLAINTIFF*

19 **UNITED STATES DISTRICT COURT**
20 **DISTRICT OF NEVADA**

21 DIGCOM, INC., A Nevada Corporation,)

22 Plaintiff,)

23 vs.)

24 PANTECH CO. LTD., and)
25 PANTECH WIRELESS, INC.,)

26 Defendants.)
27)
28)

) Case No:

) **COMPLAINT FOR PATENT**
) **INFRINGEMENT**

) **JURY TRIAL DEMANDED**

1 Plaintiff, Digcom, Inc., for its Complaint against Defendants, Pantech Co. Ltd. and Pantech
2 Wireless, Inc., alleges as follows:

3 **THE PARTIES**

4 1. Plaintiff Digcom, Inc. (hereinafter “DIGCOM”) is a Nevada Corporation with
5 its corporate headquarters and principal place of business at 923 Tahoe Boulevard, Suite 210,
6 Incline Village, Nevada 89451.

7
8 2. Upon information and belief, Pantech Co. Ltd. is a corporation organized and
9 existing under the laws of the Republic of Korea, with its principal place of business at
10 Pantech R&D Center, 1-2, DMC Sangam-dong Mapo-gu, Seoul, 121-792, Republic of Korea.

11
12 3. Upon information and belief, Pantech Wireless, Inc. is a wholly-owned
13 subsidiary of Defendant Pantech Co. Ltd., and is a corporation organized and existing under
14 the laws of the State of Georgia, with its principal place of business at 5607 Glenridge Drive,
15 Suite 500, Atlanta, Georgia 30342. Pantech Wireless, Inc. may be served with process by
16 serving its registered agent, Kathleen Elizabeth Jones, 5607 Glenridge Drive, Suite 500,
17 Atlanta, Georgia 30342.

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19 Throughout this pleading, and unless specifically noted otherwise, Defendants Pantech
20 Co. Ltd., and Pantech Wireless, Inc. will be referenced collectively as the
21 “Defendants”. The term “Defendants” also includes the Defendants’ employees,
22 agents, and all other persons or entities that the Defendants direct and/or control.

23 **THE PATENTS**

24 **U.S. Patent No. 7,805,143**

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26 4. On September 28, 2010, United States Patent No. 7,805,143, entitled “Mobile
27 Video Internet, Cellular and Location Finder System” (the “143 patent”) was duly and
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1 legally issued by the United States Patent and Trademark Office. A true and correct copy of
2 the '143 patent is attached as Exhibit A.

3 5. Pursuant to 35 U.S.C. § 282, the '143 patent is presumed valid.

4 6. The '143 patent is a continuation application of U.S. utility patent application
5 Ser. No. 11/867,688 entitled: "Barcode Reader, Location Finder, GPS, Navigational
6 Interactive TDMA, GSM, GPRS, EDGE, CDMA, OFDM, Wi-Fi, Wireless and Wired
7 system," and a continuation application of U.S. utility patent application Ser. No. 11/197,609
8 entitled: "Multimode communication system", filed on August 3, 2005 and now U.S. Pat. No.
9 7,280,810, issued on October 9, 2007.

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11 **U.S. Patent No. 7,809,374**

12 7. On October 5, 2010, United States Patent No. 7,809,374, entitled "Video
13 Mobile Communication System" (the "'374 patent") was duly and legally issued by the
14 United States Patent and Trademark Office. A true and correct copy of the '374 patent is
15 attached as Exhibit B.

16 8. Pursuant to 35 U.S.C. § 282, the '374 patent is presumed valid.

17 9. The '374 patent is a continuation application of U.S. utility patent application
18 Ser. No. 11/745,201 entitled: "Video, Voice and Location Finder Wireless Communication
19 System", which is a continuation of U.S. utility patent application Ser. No. 11/197,610
20 entitled: "Location Finder, Tracker, Communication and Remote Control System," filed on
21 August 3, 2005 and now U.S. Pat. No. 7,260,369, issued on Aug. 21, 2007.

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23 **U.S. Patent No. 7,899,491**

24 10. On March 1, 2011, United States Patent No. 7,899,491, entitled "Cross-
25 correlated Quadrature Modulated Spread Spectrum, OFDM and Position Finder System" (the
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1 “‘491 patent”) was duly and legally issued by the United States Patent and Trademark Office.

2 A true and correct copy of the ‘491 patent is attached as Exhibit C.

3 11. Pursuant to 35 U.S.C. § 282, the ‘491 patent is presumed valid.

4 12. The ‘491 patent is a continuation application of U.S. utility patent application
5 Ser. No. 11/413,687 entitled: “GPS and other than GPS Position Finder Communication
6 System” and a continuation application of U.S. utility patent application Ser. No. 11/197,609
7 entitled: “Multimode Communication System,” filed on Aug. 3, 2005 and now U.S. Pat. No.
8 7,280,810, issued on Oct. 9, 2007.

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10 **U.S. Patent No. 7,983,678**

11 13. On July 19, 2011, United States Patent No. 7,983,678, entitled “3G and Wi-Fi
12 Connected Mobile Systems” (the “‘678 patent”) was duly and legally issued by the United
13 States Patent and Trademark Office. A true and correct copy of the ‘678 patent is attached as
14 Exhibit D.

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16 14. Pursuant to 35 U.S.C. § 282, the ‘678 patent is presumed valid.

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18 15. The ‘678 patent is a continuation application of U.S. patent application Ser.
19 No. 12/767,802, filed on Apr. 27, 2010, now U.S. Pat. No. 7,877,110, entitled: “Cascaded 4G,
20 3G, 2G and Other Systems” and is a continuation application of U.S. patent application Ser.
21 No. 11/924,263, filed Oct. 25, 2007, entitled: “VoIP Multimode WLAN, Wi-Fi, GSM, EDGE,
22 TDMA, Spread Spectrum, CDMA Systems” and now U.S. Pat. No. 7,711,368, and is a
23 continuation application of U.S. patent application Ser. No. 11/745,201, filed on May 7, 2007,
24 entitled: “Video, Voice and Location Finder Wireless Communication System”, and now U.S.
25 Pat. No. 7,558,574 and is a continuation application of U.S. patent application Ser. No.
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1 11/197,610, filed on Aug. 3, 2005, entitled: “Location Finder, Tracker, Communication and
2 Remote Control System”, and now U.S. Pat. No. 7,260,369, issued on Aug. 21, 2007.

3 16. The ‘143 patent, ‘374 patent, ‘491 patent, and ‘678 patent are collectively
4 referred to as “the patents-in-suit.”
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6 DIGCOM is the exclusive licensee of the patents-in-suit and has all substantial rights
7 in and to the patents-in-suit, including the right to sue and collect damages for past,
8 present, and future infringement.

9 **THE INVENTOR OF THE PATENTS IN SUIT**

10 17. The sole named inventor of the patents-in-suit is Kamilo Feher, Ph.D. Dr.
11 Feher is a former professor of Electrical and Computer Engineering at the University of
12 California, Davis, and also was a Professor at the University of Ottawa, Canada, Concordia
13 University, Montreal, Santa Clara University, and Stanford University in Palo Alto,
14 California. He is the author of six books in the wireless digital communication fields, which
15 have been published in the United States and translated into Russian and Chinese. He has also
16 authored more than 300 IEEE articles and other related industry publications. In the past, Dr.
17 Feher developed and patented technology that was licensed to U.S. companies for
18 manufacturing products for use by NASA and the U.S. Department of Defense. Dr. Feher is
19 the president and CEO of DIGCOM.
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22 18. In addition to his academic accomplishments, Dr. Feher is a prolific inventor
23 and is the named inventor of over 80 United States patents and their foreign counterparts.
24 These patents, generally speaking, relate to wireless telecommunications methods,
25 apparatuses and systems.
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1 companies organized and existing under the laws of the State of Nevada, and/or the
2 Defendants derive substantial revenue from products sold or distributed within this District.

3 23. On information and belief, the Defendants derive substantial revenue from
4 interstate and international commerce.

5 24. On information and belief, the Defendants expect or should reasonably expect
6 their actions to have consequences within this District.

7 25. The above acts cause injury to DIGCOM within this District.

8 26. Venue is proper in this Court under Title 28 United States Code §§ 1391(b)–(c)
9 and 1400(b).
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12 **COUNT I: FIRST CLAIM FOR RELIEF**
13 **(INFRINGEMENT OF U.S. PATENT NO. 7,805,143)**

14 27. Plaintiff incorporates its previous allegations by the reference.

15 **Accused Products**

16 28. The Defendants have been and are now making, using, selling, offering for sale
17 within the United States, or importing into the United States, at least the following mobile
18 system products: Pantech Pocket (at least model P9060) and other mobile products
19 (hereinafter the “Accused Products I”).
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21 **Direct Infringement**

22 29. By so making, using, selling, or offering to sell within the United States, or
23 importing into the United States at least the aforementioned Accused Products I, the
24 Defendants have directly infringed and continue to infringe at least claim 2 of the ‘143 patent,
25 either literally or by equivalents.
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Inducement of Infringement

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2 30. The Defendants have had knowledge of the ‘143 patent at least since the
3 serving of the underlying complaint in this case.

4 31. Since becoming aware of the ‘143 patent, the Defendants have continued to
5 intentionally, actively, and knowingly advertise about, import, export, sell, offer to sell, lease,
6 and/or offer to lease one or more of the Accused Products I through their websites, including
7 but not limited to PANTECHUSA.com, retailers, resellers and distributors, as well as in other
8 ways.
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10 32. Since becoming aware of the ‘143 patent, the Defendants’ advertising and
11 sales of one or more of the Accused Products I have intentionally, actively, knowingly, and
12 willfully contained and continues to contain instructions, directions, suggestions, and/or
13 invitations that intentionally, actively, and knowingly invite, entice, lead on, influence, prevail
14 on, move by persuasion, cause, and/or influence the public, Defendants’ distributors,
15 Defendants’ retailers, Defendants’ customers, and/or PANTECHUSA.com website users to, at
16 least, import, export, make, use, sell, offer to sell, lease and/or offer to lease one or more of
17 the Accused Products I to practice the inventions claimed in the ‘143 patent, and thus directly
18 infringe the patent, either literally or by equivalents.
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20 33. Since becoming aware of the ‘143 patent, the Defendants were willfully blind,
21 knew, or should have known that the public’s, the distributors’, the retailers’, the customers’
22 and/or the website users’ acts relative to importing, exporting, making, using, selling, offering
23 to sell, leasing, and/or offering to lease one or more of the Accused Products I to practice the
24 inventions claimed in the ‘143 patent, directly infringe, either literally or by equivalents, at
25 least claim 2 of the ‘143 patent.
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1 For these reasons, the Defendants are contributory infringers of at least claim 2 of the
2 ‘143 patent, either literally or through the doctrine of equivalents.

3 **COUNT II: SECOND CLAIM FOR RELIEF**
4 **(INFRINGEMENT OF U.S. PATENT NO. 7,809,374)**

5 41. Plaintiff incorporates its previous allegations by the reference.

6 **Accused Products**

7 42. The Defendants have been and are now making, using, selling, offering for sale
8 within the United States, or importing into the United States, at least the following mobile
9 system products: Pantech Breakout (at least model ADR8995VW) and other mobile products
10 (hereinafter the “Accused Products II”).

11 **Direct Infringement**

12 43. By so making, using, selling, or offering to sell within the United States, or
13 importing into the United States at least the aforementioned Accused Products II, the
14 Defendants have directly infringed and continue to infringe at least claim 3 of the ‘374 patent,
15 either literally or by equivalents.
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17 **Inducement of Infringement**

18 44. Upon information and belief, the ‘374 patent and its patent family are known
19 to those in the telecommunication industry, particularly those companies that are industry
20 leaders, including the Defendants. Further, at least one U.S. patent assigned to Defendant
21 Pantech Co. Ltd. (U.S. Pat. No. 7.853,289 (the “‘289 patent”)) cited the inventor’s patent
22 (U.S. Pat. No. 7,260,369 (the “‘369 patent”)), of which the ‘374 patent is a continuation
23 application and has almost identical specification. In fact, the ‘369 patent was referenced by
24 the examiner during the examination of Pantech Co. Ltd.’s ‘289 patent in an Office Action
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1 dated April 16, 2010, as a basis for rejecting several of the '289 patent's then-pending claims.

2 A true and correct copy of the referenced Office Action is attached as Exhibit E.

3 45. At least as early as October 5, 2010, the issuance date of the '374 patent, the
4 Defendants were willfully blind towards the existence of the '374 patent.

5 46. Since becoming aware of the '374 patent, the Defendants have continued to
6 intentionally, actively, and knowingly advertise about, import, export, sell, offer to sell, lease,
7 and/or offer to lease one or more of the Accused Products II through their websites, including
8 but not limited to PANTECHUSA.com, retailers, resellers and distributors, as well as in other
9 ways.
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11 47. Since becoming aware of the '374 patent, the Defendants' advertising and
12 sales of one or more of the Accused Products II have intentionally, actively, knowingly, and
13 willfully contained and continues to contain instructions, directions, suggestions, and/or
14 invitations that intentionally, actively, and knowingly invite, entice, lead on, influence, prevail
15 on, move by persuasion, cause, and/or influence the public, Defendants' distributors,
16 Defendants' retailers, Defendants' customers, and/or PANTECHUSA.com website users to, at
17 least, import, export, make, use, sell, offer to sell, lease and/or offer to lease one or more of
18 the Accused Products II to practice the inventions claimed in the '374 patent, and thus directly
19 infringe the patent, either literally or by equivalents.
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22 48. Since becoming aware of the '374 patent, the Defendants were willfully blind,
23 knew, or should have known that the public's, the distributors', the retailers', the customers'
24 and/or the website users' acts relative to importing, exporting, making, using, selling, offering
25 to sell, leasing, and/or offering to lease one or more of the Accused Products II to practice the
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1 inventions claimed in the '374 patent, directly infringe, either literally or by equivalents, at
2 least claim 3 of the '374 patent.

3 49. For these reasons, the Defendants are liable for inducing infringement of the
4 '374 patent.

5 **Contributory Infringement**

6 50. At least for the reasons stated above, the Defendants have had actual
7 knowledge of the '374 patent.

8 51. Since becoming aware of the '374 patent, the Defendants have intentionally,
9 actively, and knowingly offered to sell or sold the Accused Products II within the United
10 States or imported the Accused Products II into the United States.

11 52. By selling, offering to sell, and/or importing into the United States one or more
12 of the Accused Products II and the components thereof, the Defendants have contributed to
13 the infringement by the public, the distributors, the retailers, the customers and the website
14 users who import, export, make, use, sell, offer to sell, lease, and/or offer to lease one or more
15 of the Accused Products II to practice the inventions claimed in the '374 patent, and thus
16 directly infringe the patent, either literally or by the doctrine of equivalents.

17 53. Since becoming aware of the '374 patent, the Defendants were willfully blind,
18 knew, or should have known that the Accused Products II were especially made or especially
19 adapted for use in an infringement of at least claim 3 of the '374 patent.

20 54. The Accused Products II are not a staple article or commodity of commerce
21 suitable for substantial noninfringing use because they are especially configured to infringe at
22 least claim 3 of the '374 patent, either literally or through the doctrine of equivalents.

1 55. Since becoming aware of the ‘374 patent, the Defendants were willfully blind,
2 knew, or should have known that the Accused Products II were not a staple article or
3 commodity of commerce suitable for substantial noninfringing use.

4 For these reasons, the Defendants are contributory infringers of at least claim 3 of the
5 ‘374 patent, either literally or through the doctrine of equivalents.
6

7 **COUNT III: THIRD CLAIM FOR RELIEF**
8 **(INFRINGEMENT OF U.S. PATENT NO. 7,899,491)**

9 56. Plaintiff incorporates its previous allegations by the reference.

10 **Accused Products**

11 57. The Defendants have been and are now making, using, selling, offering for sale
12 within the United States, or importing into the United States, at least the following mobile
13 system products: Pantech Pocket (at least model P9060) and other mobile products
14 (hereinafter the “Accused Products III”).
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16 **Direct Infringement**

17 58. By so making, using, selling, or offering to sell within the United States, or
18 importing into the United States at least the aforementioned Accused Products III, the
19 Defendants have directly infringed and continue to infringe at least claim 1 of the ‘491 patent,
20 either literally or by equivalents.
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22 **Inducement of Infringement**

23 59. The Defendants have had knowledge of the ‘491 patent at least since the
24 serving of the underlying complaint in this case.

25 60. Since becoming aware of the ‘491 patent, the Defendants have continued to
26 intentionally, actively, and knowingly advertise about, import, export, sell, offer to sell, lease,
27 and/or offer to lease one or more of the Accused Products III through their websites, including
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1 but not limited to PANTECHUSA.com, retailers, resellers and distributors, as well as in other
2 ways.

3 61. Since becoming aware of the '491 patent, the Defendants' advertising and
4 sales of one or more of the Accused Products III have intentionally, actively, knowingly, and
5 willfully contained and continues to contain instructions, directions, suggestions, and/or
6 invitations that intentionally, actively, and knowingly invite, entice, lead on, influence, prevail
7 on, move by persuasion, cause, and/or influence the public, Defendants' distributors,
8 Defendants' retailers, Defendants' customers, and/or PANTECHUSA.com website users to, at
9 least, import, export, make, use, sell, offer to sell, lease and/or offer to lease one or more of
10 the Accused Products III to practice the inventions claimed in the '491 patent, and thus
11 directly infringe the patent, either literally or by equivalents.
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14 62. Since becoming aware of the '491 patent, the Defendants were willfully blind,
15 knew, or should have known that the public's, the distributors', the retailers', the customers'
16 and/or the website users' acts relative to importing, exporting, making, using, selling, offering
17 to sell, leasing, and/or offering to lease one or more of the Accused Products III to practice the
18 inventions claimed in the '491 patent, directly infringe, either literally or by equivalents, at
19 least claim 1 of the '491 patent.
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21 63. For these reasons, the Defendants are liable for inducing infringement of the
22 '491 patent.
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24 **Contributory Infringement**

25 64. At least for the reasons stated above, the Defendants have had actual
26 knowledge of the '491 patent.
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1 65. Since becoming aware of the '491 patent, the Defendants have intentionally,
2 actively, and knowingly offered to sell or sold the Accused Products III within the United
3 States or imported the Accused Products III into the United States.

4 66. By selling, offering to sell, and/or importing into the United States one or more
5 of the Accused Products III and the components thereof, the Defendants have contributed to
6 the infringement by the public, the distributors, the retailers, the customers and the website
7 users who import, export, make, use, sell, offer to sell, lease, and/or offer to lease one or more
8 of the Accused Products III to practice the inventions claimed in the '491 patent, and thus
9 directly infringe the patent, either literally or by the doctrine of equivalents.
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11 67. Since becoming aware of the '491 patent, the Defendants were willfully blind,
12 knew, or should have known that the Accused Products III were especially made or especially
13 adapted for use in an infringement of at least claim 1 of the '491 patent.
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15 68. The Accused Products III are not a staple article or commodity of commerce
16 suitable for substantial noninfringing use because they are especially configured to infringe at
17 least claim 1 of the '491 patent, either literally or through the doctrine of equivalents.
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19 69. Since becoming aware of the '491 patent, the Defendants were willfully blind,
20 knew, or should have known that the Accused Products III were not a staple article or
21 commodity of commerce suitable for substantial noninfringing use.
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23 For these reasons, the Defendants are contributory infringers of at least claim 1 of the
24 '491 patent, either literally or through the doctrine of equivalents.

25 **COUNT IV: FOURTH CLAIM FOR RELIEF**
26 **(INFRINGEMENT OF U.S. PATENT NO. 7,983,678)**

27 70. Plaintiff incorporates its previous allegations by the reference.
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Accused Products

71. The Defendants have been and are now making, using, selling, offering for sale within the United States, or importing into the United States, at least the following mobile system products: Pantech Breakout (at least model ADR8995VW) and other mobile systems (hereinafter the “Accused Products IV”).

Direct Infringement

72. By so making, using, selling, or offering to sell within the United States, or importing into the United States at least the aforementioned Accused Products IV, the Defendants have directly infringed and continue to infringe at least claim 1 of the ‘678 patent, either literally or by equivalents.

Inducement of Infringement

73. Upon information and belief, the ‘678 patent and its patent family are known to those in the telecommunication industry, particularly those companies that are industry leaders, including the Defendants. Further, at least one U.S. patent assigned to Defendant Pantech Co. Ltd. (the ‘289 patent) cited the inventor’s patent (the ‘369 patent), of which the ‘678 patent is a continuation application and has almost identical specification. In fact, the ‘369 patent was referenced by the examiner during the examination of Pantech Co. Ltd.’s ‘289 patent in an Office Action dated April 16, 2010, as a basis for rejecting several of the ‘289 patent’s then-pending claims. A true and correct copy of the referenced Office Action is attached as Exhibit E.

74. At least as early as July 17, 2011, the issuance date of the ‘678 patent, the Defendants were willfully blind towards the existence of the ‘678 patent.

1 75. Since becoming aware of the ‘678 patent, the Defendants have continued to
2 intentionally, actively, and knowingly advertise about, import, export, sell, offer to sell, lease,
3 and/or offer to lease one or more of the Accused Products IV through their websites,
4 including but not limited to PANTECHUSA.com, retailers, resellers and distributors, as well
5 as in other ways.

6 76. Since becoming aware of the ‘678 patent, the Defendants’ advertising and
7 sales of one or more of the Accused Products IV have intentionally, actively, knowingly, and
8 willfully contained and continues to contain instructions, directions, suggestions, and/or
9 invitations that intentionally, actively, and knowingly invite, entice, lead on, influence, prevail
10 on, move by persuasion, cause, and/or influence the public, Defendants’ distributors,
11 Defendants’ retailers, Defendants’ customers, and/or PANTECHUSA.com website users to, at
12 least, import, export, make, use, sell, offer to sell, lease and/or offer to lease one or more of
13 the Accused Products IV to practice the inventions claimed in the ‘678 patent, and thus
14 directly infringe the patent, either literally or by equivalents.

15 77. Since becoming aware of the ‘678 patent, the Defendants were willfully blind,
16 knew, or should have known that the public’s, the distributors’, the retailers’, the customers’
17 and/or the website users’ acts relative to importing, exporting, making, using, selling, offering
18 to sell, leasing, and/or offering to lease one or more of the Accused Products IV to practice
19 the inventions claimed in the ‘678 patent, directly infringe, either literally or by equivalents, at
20 least claim 1 of the ‘678 patent.

21 78. For these reasons, the Defendants are liable for inducing infringement of the
22 ‘678 patent.
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Contributory Infringement

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2 79. At least for the reasons stated above, the Defendants have had actual
3 knowledge of the '678 patent.

4 80. Since becoming aware of the '678 patent, the Defendants have intentionally,
5 actively, and knowingly offered to sell or sold the Accused Products IV within the United
6 States or imported the Accused Products IV into the United States.

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8 81. By selling, offering to sell, and/or importing into the United States one or more
9 of the Accused Products IV and the components thereof, the Defendants have contributed to
10 the infringement by the public, the distributors, the retailers, the customers and the website
11 users who import, export, make, use, sell, offer to sell, lease, and/or offer to lease one or more
12 of the Accused Products IV to practice the inventions claimed in the '678 patent, and thus
13 directly infringe the patent, either literally or by the doctrine of equivalents.

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15 82. Since becoming aware of the '678 patent, the Defendants were willfully blind,
16 knew, or should have known that the Accused Products IV were especially made or especially
17 adapted for use in an infringement of at least claim 1 of the '678 patent.

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19 83. The Accused Products IV are not a staple article or commodity of commerce
20 suitable for substantial noninfringing use because they are especially configured to infringe at
21 least claim 1 of the '678 patent, either literally or through the doctrine of equivalents.

22 84. Since becoming aware of the '678 patent, the Defendants were willfully blind,
23 knew, or should have known that the Accused Products IV were not a staple article or
24 commodity of commerce suitable for substantial noninfringing use.

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26 85. For these reasons, the Defendants are contributory infringers of at least claim 1
27 of the '678 patent, either literally or through the doctrine of equivalents.
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DAMAGES

86. The Defendants' acts of infringement of the '143 patent, the '374 patent, the '491 patent, and the '678 patent as alleged above have injured DIGCOM and thus DIGCOM is entitled to recover damages adequate to compensate it for that infringement, which in no event can be less than a reasonable royalty.

DEMAND FOR JURY TRIAL

87. DIGCOM hereby demands a jury trial on all claims and issues triable of right by a jury, including Defendants' affirmative defenses and counterclaims, if any.

PRAYER FOR RELIEF

WHEREFORE, DIGCOM prays for entry of judgment in its favor and against Defendants Pantech Co. Ltd., and Pantech Wireless, Inc., declaring:

- A. That the Defendants have infringed one or more claims of the '143 patent, the '374 patent, the '491 patent, and the '678 patent;
- B. That the Defendants account for and pay to DIGCOM all damages caused by the infringement of the '143 patent, the '374 patent, the '491 patent, and the '678 patent, which by statute can be no less than a reasonable royalty;
- C. That DIGCOM be granted pre-judgment and post-judgment interest on the damages caused to it by reason of the Defendants' infringement of the '143 patent, the '374 patent, the '491 patent, and the '678 patent;
- D. That the case be declared exceptional pursuant to 35 U.S.C. § 285, in favor of DIGCOM, and that DIGCOM be granted its attorneys' fees in this action;

1 E. That costs be awarded to DIGCOM;

2 F. That DIGCOM be granted such other and further relief that is just and
3 proper under the circumstances.
4

5 Dated this 11th day of April, 2013.

6 BOWEN HALL

7 By: /s/ Dan C. Bowen
8 Dan C. Bowen, Esq.
9 Ann O. Hall, Esq.
10 555 South Center Street
11 Reno, Nevada 89501
12 Telephone: (775) 323-8678

13 OF COUNSEL:

14 Matthew J.M. Prebeg (Pro hac pending)
15 Christopher M. Faucett (Pro hac pending)
16 Steven W. Abbott (Pro hac pending)
17 Matthew S. Compton, Jr. (Pro hac
18 pending)

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24 Andrew Kochanowski (Pro hac pending)

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