



Electronics MobileComm U.S.A., Inc. ("LG"), NEC USA, Inc. ("NEC USA"), NEC America, Inc. ("NEC America"), Sagem S.A. ("Sagem"), Sanyo North America Corp. ("Sanyo"), Sendo America Inc. ("Sendo"), Siemens Communications, Inc. ("Siemens"), Sony Ericsson Mobile Communications AB ("Sony Ericsson AB"), Sony Ericsson Mobile Communications (USA) Inc. ("Sony Ericsson USA"), and Spreadtrum Communications Corp. ("Spreadtrum") (collectively "Defendants") and alleges as follows:

### **I. THE PARTIES**

1. The Board of Regents of The University of Texas System is an agency of the executive branch of the State of Texas.

2. Upon information and belief, BenQ is a California corporation having a principal place of business at 53 Discovery, Irvine, California 92618. BenQ is authorized to do business in the State of Texas and may be served with process by serving its registered agent, CT Corporation System, at 350 N. St. Paul Street, Dallas, Texas 75201.

3. Upon information and belief, HTC is a Taiwanese corporation having its principal place of business at No. 23, Hsin Hua Road, Taoyuan, 330, Taiwan, R.O.C. Upon information and belief, HTC is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Because Taiwan is not a signatory to the Hague Convention, service upon HTC requires service via a letter rogatory in accordance with FED. R. CIV. P. 4(f)(2)(B).

4. Upon information and belief, Innostream is a Korean corporation having its principal place of business at 6<sup>th</sup> Floor, Daewoo Telecom Building, 265-3, Seocheon-

dong Bundang-gu, Seongnam-si Gyeonggi-do 463-769, Korea. Upon information and belief, Innostream is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Innostream may be served with process in Korea pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

5. Upon information and belief, Kyocera is a Delaware corporation having a principal place of business at 10300 Campus Point Drive, San Diego, California 92121. Kyocera is authorized to do business in the State of Texas and may be served with process by serving its registered agent, Corporation Services Co. d/b/a Lawyers Incorporating Service Co., at 701 Brazos, Suite 1050, Austin, Texas 78701.

6. Upon information and belief, LG is a California corporation having a principal place of business at 10225 Willow Creek Road, San Diego, California 92131. Upon information and belief, LG is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. This proceeding arises, in part, out of business done in this state. Accordingly, pursuant to TEX. CIV. PRAC. & REM. CODE §§ 17.044 and 17.045, the Secretary of State is an agent for service of process upon LG that may be served with process by serving Geoffrey S. Connor, Secretary of State of Texas, State Capitol Room 1E.8, Austin, Texas 78701, who shall then immediately mail a copy of the process by registered mail or by certified mail, return receipt requested, to LG's home office at 10225 Willow Creek Road, San Diego, California, 92131.

7. Upon information and belief, NEC USA is a Delaware corporation having a principal place of business at 8 Corporate Center Drive, Melville, New York, 11747.

NEC USA is authorized to do business in the State of Texas and may be served with process by serving its registered agent, Prentice-Hall Corp., at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

8. Upon information and belief, NEC America is a New York corporation having a principal place of business at 6555 North State Highway 161, Irving, Texas 75039. NEC America is authorized to do business in the State of Texas and may be served with process by serving its registered agent, Corporation Services Co., at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

9. Upon information and belief, Sagem is a French corporation having its principal place of business at Le Ponant de Paris, 27, rue Leblanc, 75512 Paris Cedex 15, France. Upon information and belief, Sagem is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Sagem may be served with process in France pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

10. Upon information and belief, Sanyo is a Delaware corporation having a principal place of business at 2055 Sanyo Avenue, San Diego, California 92154. Sanyo is authorized to do business in the State of Texas and may be served with process by serving its registered agent, Prentice Hall Corp System, at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

11. Upon information and belief, Sendo is a Delaware corporation having a principal place of business at 909 E. Las Colinas Blvd., Suite 1950, Irving, Texas 75039. Sendo is authorized to do business in the State of Texas and may be served with process

by serving its registered agent, Thomas G. Christian, at 909 Lake Carolum Parkway, Suite 1950, Irving, Texas 75039.

12. Upon information and belief, Siemens is a Delaware corporation having a principal place of business at 900 Broken Sound Parkway, Boca Raton, Florida 33487. Siemens is authorized to do business in the State of Texas and may be served with process by serving its registered agent, CT Corporation System, at 350 N. St. Paul Street, Dallas, Texas 75201.

13. Upon information and belief, Sony Ericsson AB is a Swedish corporation having a principal place of business at 202 Hammersmith Road, London W67DN, United Kingdom. Upon information and belief, Sony Ericsson AB is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a designated agent for service of process in this state. Sony Ericsson AB may be served with process in the United Kingdom or Sweden, pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

14. Upon information and belief, Sony Ericsson USA is a Delaware corporation having a principal place of business at 7001 Development Drive, Research Triangle Park, North Carolina 27709. Sony Ericsson USA is authorized to do business in the State of Texas and may be served with process by serving its registered agent, National Registered Agents, Inc., at 1614 Sidney Baker Street, Kerrville, Texas 78028.

15. Upon information and belief, Spreadtrum is a California corporation having its principal place of business at 810 East Argues Avenue, Sunnyvale, California 94085. Upon information and belief, Spreadtrum is a nonresident of Texas who engages in business in this state, but does not maintain a regular place of business in this state or a

designated agent for service of process in this state. This proceeding arises, in part, out of business done in this state. Accordingly, pursuant to TEX. CIV. PRAC. & REM. CODE §§ 17.044 and 17.045, the Secretary of State is an agent for service of process upon Spreadtrum that may be served with process by serving Geoffrey S. Connor, Secretary of State of Texas, State Capitol Room 1E.8, Austin, Texas 78701, who shall then immediately mail a copy of the process by registered mail or by certified mail, return receipt requested, to Spreadtrum's home office at 810 East Argues Avenue, Sunnyvale, California, 94085.

## II. JURISDICTION AND VENUE

16. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271 *et seq.* and 28 U.S.C. §§ 1331 and 1338(a).

17. Personal jurisdiction exists generally over the Defendants because they have sufficient minimum contacts with the forum as a result of business conducted within the State of Texas and within the Western District of Texas. Personal jurisdiction also exists specifically over the Defendants because of their conduct in making, using, selling, offering to sell, and/or importing infringing products within the State of Texas and within the Western District of Texas.

18. Venue is proper in this Court under 28 U.S.C. §§ 1391(b), (c), and (d), as well as 28 U.S.C. § 1400(b).

## III. PATENT INFRINGEMENT

19. Plaintiff repeats and realleges the allegations in paragraphs 1-18 as though fully set forth herein.

20. Plaintiff, Board of Regents of The University of Texas System is the patentee and owner of all rights, title, and interest in and under United States Patent No. 4,674,112 ("the '112 Patent"), which duly and legally issued on June 16, 1987.

21. The '112 Patent is for an invention titled "Character Pattern Recognition and Communications Apparatus." A true and correct copy of the '112 Patent is attached hereto as Exhibit A.

22. The '112 Patent is valid and enforceable.

23. Upon information and belief, BenQ has been and is infringing the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "S670C" and "S660C."

24. Upon information and belief, HTC has been and is infringing the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "SPV E100," "SPV E200," "SDA" and "Canary SPV."

25. Upon information and belief, Innostream has been and is infringing the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "INNO 30," "INNO 55," "INNO 89," "INNO 90" and "INNO 98/99."

26. Upon information and belief, Kyocera has been and is infringing the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United

States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "Koi/KX2," "SE44," "SE47," "KX1," "K4130," "S14," "5135," "K493LC," "K494LC," "K494NC," "K494XLC," "K404," "K484LC," "K484NC," "K484XLC," "K484XNC," "K7," "K9," "K433L," "KE433," "KE433C," "KX434," "KE413," "KE414," "KX414," "3035," "3250" and "2325."

27. Upon information and belief, Kyocera infringed the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "2345" and "2255."

28. Upon information and belief, LG has been and is infringing the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "VX7000," "VX6000," "VX3200," "VI-5225," "PM325," "VX6100," "VX4600," "VX4500," "VX3100," "C1300," "L1150," "G4015," "L1200," "G4050," "G4011" and "G4010."

29. Upon information and belief, NEC USA and NEC America have been and are infringing the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "515 HDM" and "525 HDM."

30. Upon information and belief, Sagem has been and is infringing the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United

States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "myX-2" and "myS-7."

31. Upon information and belief, Sanyo has been and is infringing the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "MM-7400," "PM-8200," "RL-4920," "SCP-5400," "SCP-5500" and "SCP-7300."

32. Upon information and belief, Sanyo infringed the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "SCP-7200," "SCP-5300," "SCP-4900," "SCP-8100," "SCP-6400," "SCP-6200" and "SCP-6000."

33. Upon information and belief, Sendo infringed the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the product known as "S251."

34. Upon information and belief, Siemens has been and is infringing the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "CT66," "S66," "CF62T," "SX1," "C56," "CT56," "S56," "SL56," "A56i" and "M46."

35. Upon information and belief, Sony Ericsson AB and Sony Ericsson USA have been and are infringing the '112 Patent by making, using, selling, offering for sale,

and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the products known as "P910a," "S710a," "Z500a," "T290," "S700i," "K500i," "T237," "T637," "Z200," "Z600," "P900," "T630," "T226," "T610," "T316" and "T306."

36. Upon information and belief, Spreadtrum has been and is infringing the '112 Patent by making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, including but not limited to the product known as "SP7100A."

37. By making, using, selling, offering for sale, and/or importing in or into the United States, without authority, products that fall within the scope of the claims of the '112 Patent, Defendants have also induced infringement of the '112 Patent under 35 U.S.C. § 271(b), and have contributed to the infringement of the '112 Patent under 35 U.S.C. § 271(c). The infringing products have no substantial non-infringing uses.

38. As a direct and proximate result of Defendants' acts of patent infringement, Plaintiff has been and continues to be injured and has sustained and will continue to sustain substantial damages in an amount not presently known.

39. Plaintiff has no adequate remedy at law against these acts of patent infringement. Unless Defendants are preliminarily and permanently enjoined from their infringement of the '112 Patent, Plaintiff will suffer irreparable harm.

#### **IV. PRAYER FOR RELIEF**

Plaintiff, Board of Regents of The University of Texas System, respectfully requests that judgment be entered in its favor and against Defendants and that the Court grant the following relief to Plaintiff:

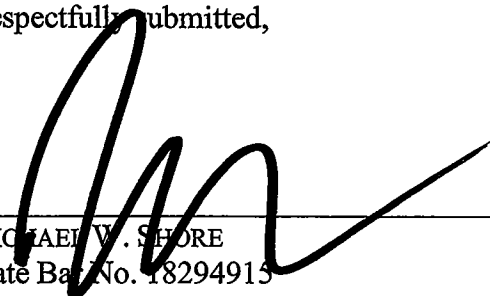
- A. Declare that the '112 Patent is valid and enforceable;
- B. Declare that Defendants have infringed the '112 Patent;
- C. Award damages to Plaintiff to which it is entitled for patent infringement;
- D. Enter a preliminary and thereafter a permanent injunction against Defendants' direct infringement of the '112 Patent;
- E. Enter a preliminary and thereafter a permanent injunction against Defendants' active inducements of infringement and/or contributory infringements of the '112 Patent by others;
- F. Award interest on Plaintiff's damages; and
- G. Such other relief as the Court deems just and proper.

#### **V. JURY DEMAND**

In accordance with FED. R. CIV. P. 38 and 39, Plaintiff asserts its rights under the Seventh Amendment of the United States Constitution and demands a trial by jury on all issues so triable.

Dated: March 11, 2005

Respectfully submitted,



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**EXHIBIT A**

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