

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INTERDIGITAL COMMUNICATIONS,
LLC, a Pennsylvania limited liability company,
INTERDIGITAL TECHNOLOGY
CORPORATION, a Delaware corporation, and
IPR LICENSING, INC., a Delaware corporation,

Plaintiffs,

v.

HUAWEI TECHNOLOGIES CO., LTD., a
Chinese corporation, FUTUREWEI
TECHNOLOGIES, INC. D/B/A HUAWEI
TECHNOLOGIES (USA) AMERICA, a Texas
corporation, NOKIA CORPORATION, a Finnish
corporation, NOKIA INC., a Delaware corporation,
ZTE CORPORATION, a Chinese corporation,
ZTE (USA) Inc., a New Jersey corporation,

Defendants.

C.A. No.

JURY TRIAL DEMANDED

COMPLAINT

This is an action for patent infringement. Plaintiffs InterDigital Communications, LLC, InterDigital Technology Corporation, and IPR Licensing, Inc. (collectively “InterDigital” or “the Plaintiffs”), through their undersigned counsel, bring this action against Defendants Huawei Technologies Co., Ltd., FutureWei Technologies, Inc. d/b/a Huawei Technologies (USA), Nokia Corporation, Nokia Inc., ZTE Corporation, and ZTE (USA) Inc. (collectively the “Defendants”). In support of this Complaint, InterDigital alleges as follows:

THE PARTIES

1. Plaintiff InterDigital Communications, LLC (“InterDigital Communications”) is a Pennsylvania limited liability company, having its principal place of business at 781 Third Avenue, King of Prussia, Pennsylvania 19406-1409.¹

2. Plaintiff InterDigital Technology Corporation (“InterDigital Technology”) is a Delaware corporation, having its principal place of business at Hagley Building, Suite 105, 3411 Silverside Road, Concord Plaza, Wilmington, Delaware 19810-4812.

3. Plaintiff IPR Licensing, Inc. (“IPR Licensing”) is a Delaware corporation, having its principal place of business at Hagley Building, Suite 105, 3411 Silverside Road, Concord Plaza, Wilmington, Delaware 19810-4812.

4. On information and belief, defendant Huawei Technologies Co., Ltd. is a corporation organized and existing under the laws of the People’s Republic of China (“China”), with its principal place of business at Bantian, Longgang District, Shenzhen, Guangdong Province 518129, People’s Republic of China.

5. On information and belief, defendant FutureWei Technologies, Inc. d/b/a Huawei Technologies (USA) is a Texas corporation and a subsidiary of Huawei Technologies Co., Ltd., having its principal place of business at 1301 W. George Bush Highway, Suite 260, Richardson, TX 75080.²

¹ In connection with an internal corporate reorganization, effective July 3, 2007, InterDigital Communications Corporation (a Pennsylvania corporation) became InterDigital Communications, LLC (a Pennsylvania limited liability company). The term “InterDigital” includes InterDigital Communications Corporation.

² Defendants Huawei Technologies Co., Ltd. and FutureWei Technologies, Inc. d/b/a Huawei Technologies (USA) are collectively referred to as “Huawei.”

6. On information and belief, defendant Nokia Corporation is a Finnish corporation, having its principal place of business at Keilalahdentie 2-4, P.O. Box 226, FIN-00045 Espoo, Finland.

7. On information and belief, defendant Nokia Inc. is a Delaware corporation, having its principal place of business at 102 Corporate Park Drive, White Plains, NY 10604.³

8. On information and belief, defendant ZTE Corporation is a Chinese corporation, having its principal place of business at ZTE Plaza, No. 55 Hi-Tech Road South, Hi-Tech Industrial Park, Nanshan District, Shenzhen, Guangdong Province 518057, People's Republic of China.

9. On information and belief, defendant ZTE (USA) Inc. is a New Jersey corporation, having its principal place of business at 2425 N. Central Expy. Ste. 600, Richardson, TX 75080.⁴

JURISDICTION AND VENUE

10. This is a complaint for patent infringement arising under 35 U.S.C. § 271 *et seq.* This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

11. Venue is proper in this district under 28 U.S.C. § 1400(b) because Defendants are subject to personal jurisdiction in this district and therefore "reside" in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendants sell various products and does business throughout the United States, including within this judicial district.

³ Defendants Nokia Corporation and Nokia Inc. are collectively referred to as "Nokia."

⁴ Defendants ZTE Corporation and ZTE (USA) Inc. are collectively referred to as "ZTE."

12. Venue is proper in this judicial district under Title 28 United States Code §§ 1391(b), (c), (d) and 1400(b) because this Court has personal jurisdiction over the Defendants by virtue of the fact that, *inter alia*, each defendant has purposefully availed itself of the rights and benefits of Delaware law, regularly does and solicits business in Delaware, has engaged in continuous and systematic contact with the State of Delaware, or derives substantial revenue from things used or consumed in the State of Delaware. In addition, this Court has personal jurisdiction over defendant Nokia, Inc. because, on information and belief, it is incorporated under the laws of Delaware.

THE PATENTS-IN-SUIT

13. There are seven patents at issue in this action: United States Patent Nos. 7,349,540 (“the ’540 patent”), 7,502,406 (“the ’406 patent”), 7,536,013 (“the ’013 patent”), 7,616,970 (“the ’970 patent”), 7,706,332 (“the ’332 patent”), 7,706,830 (“the ’830 patent”), and U.S. Patent No. 7,970,127 (“the ’127 patent”).

14. The ’540 patent is entitled “Generation of User Equipment Identification Specific Scrambling Code for High Speed Shared Control Channel,” and issued on March 25, 2008 to inventors Stephen Dick, Nader Bolourchi, and Sung-Hyuk Shin. InterDigital Technology owns by assignment the entire right, title, and interest in and to the ’540 patent. A true and correct copy of the ’540 patent is attached to this Complaint as Exhibit A.

15. The ’406 patent is entitled “Automatic Power Control System for a Code Division Multiple Access (CDMA) Communications System,” and issued on March 10, 2009 to inventors John Kowalski, Gary R. Lomp, and Fatih Ozluturk. InterDigital Technology owns by assignment the entire right, title, and interest in and to the ’406 patent. A true and correct copy of the ’406 patent is attached to this Complaint as Exhibit B.

16. The '013 patent is entitled "User Equipment Identification Specific Scrambling," and issued on May 19, 2009 to inventors Stephen G. Dick, Nader Bolourchi, and Sung-Hyuk Shin. InterDigital Technology owns by assignment the entire right, title, and interest in and to the '013 patent. A true and correct copy of the '013 patent is attached to this Complaint as Exhibit C.

17. The '970 patent is entitled "Dual Mode Unit for Short Range, High Rate and Long Range, Lower Rate Data Communications," and issued on November 10, 2009 to inventor Thomas E. Gorsuch. IPR Licensing owns by assignment the entire right, title, and interest in and to the '970 patent. A true and correct copy of the '970 patent is attached to this Complaint as Exhibit D.

18. The '332 patent is entitled "Method and Subscriber Unit for Performing Power Control," and issued on April 27, 2010 to inventors Fatih Ozluturk, Gary Lomp, and John Kowalski. InterDigital Technology owns by assignment the entire right, title, and interest in and to the '332 patent. A true and correct copy of the '332 patent is attached to this Complaint as Exhibit E.

19. The '830 patent is entitled "Method and Subscriber Unit for Performing an Access Procedure," and issued on April 27, 2010 to inventors Fatih Ozluturk and Gary Lomp. InterDigital Technology owns by assignment the entire right, title, and interest in and to the '830 patent. A true and correct copy of the '830 patent is attached to this Complaint as Exhibit F.

20. The '127 patent is entitled "User Equipment Identification Specific Scrambling," and issued on June 28, 2011 to inventors Stephen Dick, Nader Bolourchi, and Sung-Hyuk Shin. InterDigital Technology owns by assignment the entire right, title, and interest in and to the '127 patent. A true and correct copy of the '127 patent is attached to this Complaint as Exhibit G.

COUNT I
INFRINGEMENT OF THE '540 PATENT

21. InterDigital repeats each and every allegation of paragraphs 1-20 as if set forth fully herein.

22. In violation of 35 U.S.C. § 271, Huawei is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '540 patent by making, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Huawei USB Connect 900, Comet U8150, Tap U7519, Jet 2.0, and S7, and will continue to do so unless enjoined by this Court.

23. On information and belief, Huawei has had actual and/or constructive knowledge of the '540 patent since before this Complaint was filed. In addition, Huawei will receive notice of the '540 patent upon the service of the Complaint by InterDigital upon Huawei at the addresses referenced herein, concurrently with this filing.

24. On information and belief, the accused Huawei products are specifically designed to be used in a 3G WCDMA system. Specifically, the accused Huawei products identified by InterDigital to date that are designed to be used in a UMTS (WCDMA) system are configured to comply with the HSDPA, HSUPA, and/or HSPA+ standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Huawei contributorily infringes the '540 patent.

25. On information and belief, Huawei, with knowledge of the '540 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '540 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the

'540 patent. On information and belief, Huawei actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, Huawei has had actual knowledge of end-users' direct infringement and that Huawei's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of Huawei a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of Huawei's infringement of the '540 patent.

26. On information and belief, Huawei has continued its infringement despite having notice of the '540 patent. Huawei has committed and is committing willful patent infringement.

27. Huawei's past and continuing infringement of the '540 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Huawei's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

28. In violation of 35 U.S.C. § 271, ZTE is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '540 patent by making, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the ZTE WebConnect Rocket 2.0 MF691, 4G Mobile Hotspot MF61, V9, and F160, and will continue to do so unless enjoined by this Court.

29. On information and belief, ZTE has had actual and/or constructive knowledge of the '540 patent since before this Complaint was filed. In addition, ZTE will receive notice of the

'540 patent upon the service of the Complaint by InterDigital upon ZTE at the addresses referenced herein, concurrently with this filing.

30. The accused ZTE products are specifically designed to be used in a 3G WCDMA system. Specifically, the accused ZTE products identified by InterDigital to date that are designed to be used in UMTS (WCDMA) are configured to comply with the HSDPA, HSUPA, and/or HSPA+ standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, ZTE contributorily infringes the '540 patent.

31. On information and belief, ZTE, with knowledge of the '540 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '540 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '540 patent. On information and belief, ZTE actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, ZTE has had actual knowledge of end-users' direct infringement and that ZTE's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of ZTE a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of ZTE's infringement of the '540 patent.

32. On information and belief, ZTE has continued its infringement despite having notice of the '540 patent. ZTE has committed and is committing willful patent infringement.

33. ZTE's past and continuing infringement of the '540 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until ZTE's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

COUNT II
INFRINGEMENT OF THE '406 PATENT

34. InterDigital repeats each and every allegation of paragraphs 1-33 as if fully set forth herein.

35. In violation of 35 U.S.C. § 271, Huawei is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '406 patent by making, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Huawei Comet U8150, Tap U7519, USB Connect 900, Jet 2.0, S7, Huawei Ascend M860, M735, M228, M750, and Tap and will continue to do so unless enjoined by this Court.

36. On information and belief, Huawei has had actual and/or constructive knowledge of the '406 patent since before this Complaint was filed. In addition, Huawei will receive notice of the '406 patent upon the service of the Complaint by InterDigital upon Huawei at the addresses referenced herein, concurrently with this filing.

37. The accused Huawei products are specifically designed to be used in a 3G WCDMA or CDMA2000 system. Specifically, the accused Huawei products identified by InterDigital to date that are designed to be used in a UMTS (WCDMA) system are configured to comply with the Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+ standards. The accused products designed to be used in a 3G CDMA2000 system are configured to comply with

the 1xRTT standards, and some are further configured to comply with EV-DO standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Huawei contributorily infringes the '406 patent.

38. On information and belief, Huawei, with knowledge of the '406 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '406 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '406 patent. On information and belief, Huawei actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, Huawei has had actual knowledge of end-users' direct infringement and that Huawei's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of Huawei a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of Huawei's infringement of the '406 patent.

39. On information and belief, Huawei has continued its infringement despite having notice of the '406 Patent. Huawei has committed and is committing willful patent infringement.

40. Huawei's past and continuing infringement of the '406 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Huawei's infringement

is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

41. In violation of 35 U.S.C. § 271, Nokia is now, and has been, directly infringing the '406 patent by making, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Nokia N8, Astound C7, E7, 6350, E73, C6-01, C6, C5-03, C3-01, 6700 Slide, 3710, 2730, 5230 Nuron, E5, E71, X6, C2-01, 6790 Slide, and Twist and will continue to do so unless enjoined by this Court.

42. Nokia's past and continuing infringement of the '406 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Nokia's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

43. In violation of 35 U.S.C. § 271, ZTE is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '406 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the ZTE WebConnect Rocket 2.0 MF691, V9, F160, ZTE Salute, Peel, Agent E520, MSGM8 II, TXTM8 3G, 4G Mobile Hotspot MF61, Fivespot AC30, CAPTR II/A210, A605, Essenze C70, and C79 and will continue to do so unless enjoined by this Court.

44. On information and belief, ZTE has had actual and/or constructive knowledge of the '406 patent since before this Complaint was filed. In addition, ZTE will receive notice of the '406 patent upon the service of the Complaint by InterDigital upon ZTE at the addresses referenced herein, concurrently with this filing.

45. The accused ZTE products are specifically designed to be used in a 3G WCDMA or CDMA2000 system. Specifically, the accused ZTE products identified by InterDigital to date

that are designed to be used in UMTS (WCDMA) are configured to comply with the Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+ standards. The accused products designed to be used in a 3G CDMA2000 system are configured to comply with the 1xRTT standards, and some are further configured to comply with the EV-DO standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, ZTE contributorily infringes the '406 patent.

46. On information and belief, ZTE, with knowledge of the '406 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '406 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '406 patent. On information and belief, ZTE actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, ZTE has had actual knowledge of end-users' direct infringement and that ZTE's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of ZTE a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of ZTE's infringement of the '406 patent.

47. On information and belief, ZTE has continued its infringement despite having notice of the '406 patent. ZTE has committed and is committing willful patent infringement.

48. ZTE's past and continuing infringement of the '406 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until ZTE's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

COUNT III
INFRINGEMENT OF THE '013 PATENT

49. InterDigital repeats each and every allegation of paragraphs 1-48 as if fully set forth herein.

50. In violation of 35 U.S.C. § 271, Huawei is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '013 patent by making, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Huawei USB Connect 900, Comet U8150, Tap U7519, Jet 2.0, and S7, and will continue to do so unless enjoined by this Court.

51. On information and belief, Huawei has had actual and/or constructive knowledge of the '013 patent since before this Complaint was filed. In addition, Huawei will receive notice of the '013 patent upon the service of the Complaint by InterDigital upon Huawei at the addresses referenced herein, concurrently with this filing.

52. On information and belief, the accused Huawei products are specifically designed to be used in a 3G WCDMA system. Specifically, the accused Huawei products identified by InterDigital to date that are designed to be used in a UMTS (WCDMA) system are configured to comply with the HSDPA, HSUPA, and/or HSPA+ standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Huawei contributorily infringes the '540 patent.

53. On information and belief, Huawei, with knowledge of the '013 patent, and without authority, has actively induced and continues to actively induce infringement by end-

users of at least one claim of the '013 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '013 patent. On information and belief, Huawei actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, Huawei has had actual knowledge of end-users' direct infringement and that Huawei's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of Huawei a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of Huawei's infringement of the '013 patent.

54. On information and belief, Huawei has continued its infringement despite having notice of the '013 patent. Huawei has committed and is committing willful patent infringement.

55. Huawei's past and continuing infringement of the '013 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Huawei's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

56. In violation of 35 U.S.C. § 271, Nokia is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '013 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Nokia N8, Astound C7, E7, 6350, E73, C6-01, C6,

C5-03, C3-01, 6700 Slide, 5230 Nuron, E5, E71, X6, and 6790 Slide, and will continue to do so unless enjoined by this Court.

57. On information and belief, Nokia has had actual and/or constructive knowledge of the '013 patent since before this Complaint was filed. In addition, Nokia will receive notice of the '013 patent upon the service of the Complaint by InterDigital upon Nokia at the addresses referenced herein, concurrently with this filing.

58. The accused Nokia products are specifically designed to be used in a 3G WCDMA system. Specifically, the accused Nokia products identified by InterDigital to date that are designed to be used in UMTS (WCDMA) are configured to comply with the HSDPA, HSUPA, and/or HSPA+ standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Nokia contributorily infringes the '013 patent.

59. On information and belief, Nokia, with knowledge of the '013 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '013 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '013 patent.

On information and belief, Nokia actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, Nokia has had actual knowledge of end-users' direct infringement and that Nokia's

acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of Nokia a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of Nokia's infringement of the '013 patent.

60. On information and belief, Nokia has continued its infringement despite having notice of the '013 patent. Nokia has committed and is committing willful patent infringement.

61. Nokia's past and continuing infringement of the '013 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Nokia's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

62. In violation of 35 U.S.C. § 271, ZTE is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '013 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the ZTE WebConnect Rocket 2.0 MF691, 4G Mobile Hotspot MF61, V9, and F160, and will continue to do so unless enjoined by this Court.

63. On information and belief, ZTE has had actual and/or constructive knowledge of the '013 patent since before this Complaint was filed. In addition, ZTE will receive notice of the '013 patent upon the service of the Complaint by InterDigital upon ZTE at the addresses referenced herein, concurrently with this filing.

64. The accused ZTE products are specifically designed to be used in a 3G WCDMA system. Specifically, the accused ZTE products identified by InterDigital to date that are designed to be used in UMTS (WCDMA) are configured to comply with the HSDPA, HSUPA, and/or HSPA+ standards. Because the accused products are specifically designed to so operate,

they have no substantial non-infringing uses. Accordingly, ZTE contributorily infringes the '013 patent.

65. On information and belief, ZTE, with knowledge of the '013 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '013 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '013 patent. On information and belief, ZTE actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, ZTE has had actual knowledge of end-users' direct infringement and that ZTE's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of ZTE a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of ZTE's infringement of the '013 patent.

66. On information and belief, ZTE has continued its infringement despite having notice of the '013 patent. ZTE has committed and is committing willful patent infringement.

67. ZTE's past and continuing infringement of the '013 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until ZTE's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

COUNT IV
INFRINGEMENT OF THE '970 PATENT

68. InterDigital repeats each and every allegation of paragraphs 1-67 as if fully set forth herein.

69. In violation of 35 U.S.C. § 271, Huawei is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '970 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Ascend II (M865), and will continue to do so unless enjoined by this Court.

70. On information and belief, Huawei has had actual and/or constructive knowledge of the '970 patent since before this Complaint was filed. In addition, Huawei will receive notice of the '970 patent upon the service of the Complaint by InterDigital upon Huawei at the addresses referenced herein, concurrently with this filing.

71. The accused Huawei products are specifically designed to be used in a 3G WCDMA or CDMA2000 system and, in some instances, also in an IEEE 802 system. Specifically, the accused Huawei products identified by InterDigital to date that are designed to be used in a UMTS (WCDMA) system are configured to comply with the HSUPA and/or HSPA+ standards. The accused products designed to be used in a 3G CDMA2000 system are configured to comply with the EV-DO Revision A standard. The accused products further designed to also be used in an IEEE 802 system are configured to comply with at least IEEE 802.11. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Huawei contributorily infringes the '970 patent.

72. On information and belief, Huawei, with knowledge of the '970 patent, and without authority, has actively induced and continues to actively induce infringement by end-

users of at least one claim of the '970 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '970 patent. On information and belief, Huawei actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, Huawei has had actual knowledge of end-users' direct infringement and that Huawei's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of Huawei a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of Huawei's infringement of the '970 patent.

73. On information and belief, Huawei has continued its infringement despite having notice of the '970 patent. Huawei has committed and is committing willful patent infringement.

74. Huawei's past and continuing infringement of the '970 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Huawei's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

75. In violation of 35 U.S.C. § 271, Nokia is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '970 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the

United States, including but not limited to the N8 and C7 (Astound), and will continue to do so unless enjoined by this Court.

76. Nokia will receive notice of the '970 patent upon the service of the Complaint by InterDigital upon Nokia at the addresses referenced herein, concurrently with this filing.

77. The accused Nokia products are specifically designed to be used in a 3G WCDMA system and, in some instances, also in an IEEE 802 system. Specifically, the accused Nokia products identified by InterDigital to date that are designed to be used in UMTS (WCDMA) are configured to comply with the HSUPA and/or HSPA+ standards. The accused products further designed to also be used in an IEEE 802 system are configured to comply with at least IEEE 802.11. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Nokia contributorily infringes the '970 patent.

78. On information and belief, Nokia, with knowledge of the '970 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '970 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '970 patent.

On information and belief, Nokia actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, Nokia has had actual knowledge of end-users' direct infringement and that Nokia's

acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of Nokia a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of Nokia's infringement of the '970 patent.

79. Nokia's past and continuing infringement of the '970 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Nokia's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

80. In violation of 35 U.S.C. § 271, ZTE is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '970 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the V9, and will continue to do so unless enjoined by this Court.

81. On information and belief, ZTE has had actual and/or constructive knowledge of the '970 patent since before this Complaint was filed. In addition, ZTE will receive notice of the '970 patent upon the service of the Complaint by InterDigital upon ZTE at the addresses referenced herein, concurrently with this filing.

82. The accused ZTE products are specifically designed to be used in a 3G WCDMA or CDMA2000 system and, in some instances, also in an IEEE 802 system. Specifically, the accused ZTE products identified by InterDigital to date that are designed to be used in UMTS (WCDMA) are configured to comply with the HSUPA and/or HSPA+ standards. The accused products designed to be used in a 3G CDMA2000 system are configured to comply with the EV-DO Revision A standard. The accused products further designed to also be used in an IEEE 802 system are configured to comply with at least IEEE 802.11. Because the accused products are

specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, ZTE contributorily infringes the '970 patent.

83. On information and belief, ZTE, with knowledge of the '970 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '970 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '970 patent. On information and belief, ZTE actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, ZTE has had actual knowledge of end-users' direct infringement and that ZTE's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of ZTE a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of ZTE's infringement of the '970 patent.

84. On information and belief, ZTE has continued its infringement despite having notice of the '970 patent. ZTE has committed and is committing willful patent infringement.

85. ZTE's past and continuing infringement of the '970 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until ZTE's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

COUNT V
INFRINGEMENT OF THE '332 PATENT

86. InterDigital repeats each and every allegation of paragraphs 1-85 as if fully set forth herein.

87. In violation of 35 U.S.C. § 271, Huawei is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '332 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Huawei Ascend M860, Comet U8150, M228, Tap U7519, M735, USB Connect 900, M750, Jet 2.0, and S7, and will continue to do so unless enjoined by this Court.

88. On information and belief, Huawei has had actual and/or constructive knowledge of the '332 patent since before this Complaint was filed. In addition, Huawei will receive notice of the '332 patent upon the service of the Complaint by InterDigital upon Huawei at the addresses referenced herein, concurrently with this filing.

89. The accused Huawei products are specifically designed to be used in a 3G WCDMA or CDMA2000 system. Specifically, the accused Huawei products identified by InterDigital to date that are designed to be used in a UMTS (WCDMA) system are configured to comply with the Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+ standards. The accused products designed to be used in a 3G CDMA2000 system are configured to comply with the 1xRTT standards, and some are further configured to comply with EV-DO standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Huawei contributorily infringes the '332 patent.

90. On information and belief, Huawei, with knowledge of the '332 patent, and without authority, has actively induced and continues to actively induce infringement by end-

users of at least one claim of the '332 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '332 patent. On information and belief, Huawei actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, Huawei has had actual knowledge of end-users' direct infringement and that Huawei's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of Huawei a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of Huawei's infringement of the '332 patent.

91. On information and belief, Huawei has continued its infringement despite having notice of the '332 patent. Huawei has committed and is committing willful patent infringement.

92. Huawei's past and continuing infringement of the '332 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Huawei's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

93. In violation of 35 U.S.C. § 271, Nokia is now, and has been, directly infringing the '332 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Nokia N8,

Astound C7, E7, 6350, E73, C6-01, C6, C5-03, C3-01, 6700 Slide, 3710, 2730, 5230 Nuron, E5, E71, X6, C2-01, 6790 Slide, and Twist, and will continue to do so unless enjoined by this Court.

94. Nokia's past and continuing infringement of the '332 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Nokia's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital

95. In violation of 35 U.S.C. § 271, ZTE is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '332 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the ZTE Agent E520, MSGM8 II, WebConnect Rocket 2.0 MF691, TXTM8 3G, Essenze C70, Peel, Salute, C79, CAPTR II/A210, Fivespot AC30, A605, V9, F160, and 4G Mobile Hotspot MF61, and will continue to do so unless enjoined by this Court.

96. On information and belief, ZTE has had actual and/or constructive knowledge of the '332 patent since before this Complaint was filed. In addition, ZTE will receive notice of the '332 patent upon the service of the Complaint by InterDigital upon ZTE at the addresses referenced herein, concurrently with this filing.

97. The accused ZTE products are specifically designed to be used in a 3G WCDMA or CDMA2000 system. Specifically, the accused ZTE products identified by InterDigital to date that are designed to be used in UMTS (WCDMA) are configured to comply with the Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+ standards. The accused products designed to be used in a 3G CDMA2000 system are configured to comply with the 1xRTT standards, and some are further configured to comply with the EV-DO standards. Because the accused products are

specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, ZTE contributorily infringes the '332 patent.

98. On information and belief, ZTE, with knowledge of the '332 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '332 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '332 patent. On information and belief, ZTE actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, ZTE has had actual knowledge of end-users' direct infringement and that ZTE's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of ZTE a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of ZTE's infringement of the '332 patent.

99. On information and belief, ZTE has continued its infringement despite having notice of the '332 patent. ZTE has committed and is committing willful patent infringement.

100. ZTE's past and continuing infringement of the '332 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until ZTE's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

COUNT VI
INFRINGEMENT OF THE '830 PATENT

101. InterDigital repeats each and every allegation of paragraphs 1-100 as if fully set forth herein.

102. In violation of 35 U.S.C. §-271, Huawei is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '830 patent by making, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Huawei Comet U8150, Tap U7519, USB Connect 900, Jet 2.0, and S7, and will continue to do so unless enjoined by this Court.

103. On information and belief, Huawei has had actual and/or constructive knowledge of the '830 patent since before this Complaint was filed. In addition, Huawei will receive notice of the '830 patent upon the service of the Complaint by InterDigital upon Huawei at the addresses referenced herein, concurrently with this filing.

104. The accused Huawei products are specifically designed to be used in a 3G WCDMA system. Specifically, the accused Huawei products identified by InterDigital to date that are designed to be used in a UMTS (WCDMA) system are configured to comply with the Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+ standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses.

Accordingly, Huawei contributorily infringes the '830 patent.

105. On information and belief, Huawei, with knowledge of the '830 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '830 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the

'830 patent. On information and belief, Huawei actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, Huawei has had actual knowledge of end-users' direct infringement and that Huawei's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of Huawei a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of Huawei's infringement of the '830 patent.

106. On information and belief, Huawei has continued its infringement despite having notice of the '830 patent. Huawei has committed and is committing willful patent infringement.

107. Huawei's past and continuing infringement of the '830 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Huawei's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

108. In violation of 35 U.S.C. § 271, Nokia is now, and has been, directly infringing the '830 patent by making, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Nokia N8, Astound C7, E7, 6350, E73, C6-01, C6, C5-03, C3-01, 6700 Slide, 3710, 2730, 5230 Nuron, E5, E71, X6, C2-01, and 6790 Slide, and will continue to do so unless enjoined by this Court.

109. Nokia's past and continuing infringement of the '830 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Nokia's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

110. In violation of 35 U.S.C. § 271, ZTE is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '830 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the ZTE WebConnect Rocket 2.0 MF691, V9, and F160, and will continue to do so unless enjoined by this Court.

111. On information and belief, ZTE has had actual and/or constructive knowledge of the '830 patent since before this Complaint was filed. In addition, ZTE will receive notice of the '830 patent upon the service of the Complaint by InterDigital upon ZTE at the addresses referenced herein, concurrently with this filing.

112. The accused ZTE products are specifically designed to be used in a 3G WCDMA system. Specifically, the accused ZTE products identified by InterDigital to date that are designed to be used in UMTS (WCDMA) are configured to comply with the Release 99, Release 4, HSDPA, HSUPA, and/or HSPA+ standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, ZTE contributorily infringes the '830 patent.

113. On information and belief, ZTE, with knowledge of the '830 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '830 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '830 patent.

On information and belief, ZTE actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, ZTE has had actual knowledge of end-users' direct infringement and that ZTE's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of ZTE a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of ZTE's infringement of the '830 patent.

114. On information and belief, ZTE has continued its infringement despite having notice of the '830 patent. ZTE has committed and is committing willful patent infringement.

115. ZTE's past and continuing infringement of the '830 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until ZTE's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

COUNT VII

INFRINGEMENT OF THE '127 PATENT

116. InterDigital repeats each and every allegation of paragraphs 1-115 as if fully set forth herein.

117. In violation of 35 U.S.C. § 271, Huawei is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '127 patent by making, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Huawei USB Connect 900, Comet U8150, Tap U7519, Jet 2.0, and S7, and will continue to do so unless enjoined by this Court.

118. Huawei will receive notice of the '127 patent upon the service of the Complaint by InterDigital upon Huawei at the addresses referenced herein, concurrently with this filing.

119. On information and belief, the accused Huawei products are specifically designed to be used in a 3G WCDMA system. Specifically, the accused Huawei products identified by InterDigital to date that are designed to be used in a UMTS (WCDMA) system are configured to comply with the HSDPA, HSUPA, and/or HSPA+ standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Huawei contributorily infringes the '127 patent.

120. On information and belief, Huawei, with knowledge of the '127 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '127 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '127 patent. On information and belief, Huawei actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, Huawei has had actual knowledge of end-users' direct infringement and that Huawei's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of Huawei a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of Huawei's infringement of the '127 patent.

121. Huawei's past and continuing infringement of the '127 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Huawei's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

122. In violation of 35 U.S.C. § 271, Nokia is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '127 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the Nokia N8, Astound C7, E7, 6350, E73, C6-01, C6, C5-03, C3-01, 6700 Slide, 5230 Nuron, E5, E71, X6, and 6790 Slide, and will continue to do so unless enjoined by this Court.

123. Nokia will receive notice of the '127 patent upon the service of the Complaint by InterDigital upon Nokia at the addresses referenced herein, concurrently with this filing.

124. The accused Nokia products are specifically designed to be used in a 3G WCDMA system. Specifically, the accused Nokia products identified by InterDigital to date that are designed to be used in UMTS (WCDMA) are configured to comply with the HSDPA, HSUPA, and/or HSPA+ standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, Nokia contributorily infringes the '127 patent.

125. On information and belief, Nokia, with knowledge of the '127 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '127 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '127 patent.

On information and belief, Nokia actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, Nokia has had actual knowledge of end-users' direct infringement and that Nokia's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of Nokia a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of Nokia's infringement of the '127 patent.

126. Nokia's past and continuing infringement of the '127 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until Nokia's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

127. In violation of 35 U.S.C. § 271, ZTE is now, and has been, directly infringing, contributorily infringing and/or inducing infringement of, the '127 patent by manufacturing, using, importing, offering for sale, and/or selling wireless devices with 3G capabilities in the United States, including but not limited to the ZTE WebConnect Rocket 2.0 MF691, 4G Mobile Hotspot MF61, V9, and F160, and will continue to do so unless enjoined by this Court.

128. ZTE will receive notice of the '127 patent upon the service of the Complaint by InterDigital upon ZTE at the addresses referenced herein, concurrently with this filing.

129. The accused ZTE products are specifically designed to be used in a 3G WCDMA system. Specifically, the accused ZTE products identified by InterDigital to date that are designed to be used in UMTS (WCDMA) are configured to comply with the HSDPA, HSUPA,

and/or HSPA+ standards. Because the accused products are specifically designed to so operate, they have no substantial non-infringing uses. Accordingly, ZTE contributorily infringes the '127 patent.

130. On information and belief, ZTE, with knowledge of the '127 patent, and without authority, has actively induced and continues to actively induce infringement by end-users of at least one claim of the '127 patent, under 35 U.S.C. § 271(b), by intentionally inducing the use, importation, offer for sale, and/or sale of infringing wireless devices with 3G capabilities, intending to encourage, and in fact encouraging, end-users to directly infringe the '127 patent. On information and belief, ZTE actively induced infringement by, *inter alia*, designing and introducing into the stream of commerce infringing wireless devices with 3G capabilities, and by publishing manuals and promotional literature describing and instructing in the operation of the accused devices in an infringing manner and by offering support and technical assistance to its customers that encourage use of the accused products in ways that infringe the asserted claims. In addition, ZTE has had actual knowledge of end-users' direct infringement and that ZTE's acts induced such infringement since at least the date of this filing, when InterDigital provided to known representatives of ZTE a copy of the complaint (including claim charts) filed in the International Trade Commission detailing the allegations of ZTE's infringement of the '127 patent.

131. ZTE's past and continuing infringement of the '127 patent has caused monetary damage and irreparable injury to InterDigital. Unless and until ZTE's infringement is enjoined by this Court, it will continue to cause monetary damage and irreparable injury to InterDigital.

JURY DEMAND

132. InterDigital demands a jury trial as to all issues that are triable by a jury in this action.

PRAYER FOR RELIEF

133. WHEREFORE, InterDigital respectfully requests that this Court enter judgment against the Defendants as follows:

(a) That Defendants are liable for infringement, contributing to the infringement, and/or inducing the infringement of one or more claims of the '540, '406, '013, '970, '332, '830, and '127 patents, as alleged herein;

(b) That the Defendants and their parents, subsidiaries, affiliates, successors, predecessors, assigns, and the officers, directors, agents, servants and employees of each of the foregoing, customers and/or licensees and those persons acting in concert or participation with any of them, are preliminarily and permanently enjoined and restrained from continued infringement, including but not limited to using, making, importing, offering for sale and/or selling products that infringe, and from contributorily and/or inducing the infringement of the Patents-in-Suit prior to their expiration, including any extensions;

(c) An Order directing Defendants to file with this Court and serve upon Plaintiffs' counsel within 30 days after the entry of the Order of injunction a report setting forth the manner and form in which Defendants have complied with the injunction;

(c) An award of damages adequate to compensate InterDigital for the infringement that has occurred, pursuant to 35 U.S.C. § 284, including prejudgment and post-judgment interest;

(d) An award of treble damages for willful infringement pursuant to 35 U.S.C. § 284;

(e) An accounting and/or supplemental damages for all damages occurring after any discovery cutoff and through the Court's decision regarding the imposition of a permanent injunction;

(f) An award of attorneys' fees based on this being an exceptional case pursuant to 35 U.S.C. § 285, including prejudgment interest on such fees;

(g) Costs and expenses in this action; and

(h) An award of any further relief that this Court deems just and proper.

PROCTOR HEYMAN LLP

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Dated: July 26, 2011