

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ADC TECHNOLOGY INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:10-cv-4321
	)	
CELLCO PARTNERSHIP d/b/a	)	
VERIZON WIRELESS and	)	<b>JURY TRIAL DEMANDED</b>
T-MOBILE USA, INC.,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff ADC Technology Inc., for its complaint against defendants Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) and T-Mobile USA, Inc. (“T-Mobile”), alleges as follows:

**NATURE OF THE SUIT**

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

**PARTIES**

2. ADC Technology Inc. (“ADC”) is a corporation organized under the laws of Japan with a principal place of business in Nagoya, Japan. Among other things, ADC develops technology and sells products used in wireless communication.

3. ADC is the owner of a series of patents on inventions made by Toshiharu Enmei for ADC, in the field of mobile communication devices.

4. ADC owns all right, title, and interest in, and has standing to sue for, the infringement of the following United States Patents that are titled “Portable Communicator”:

- No. 6,985,136 issued January 10, 2006 (“the ‘136 Patent”);
- No. 7,057,605 issued June 6, 2006 (“the ‘605 Patent”); and
- No. 7,567,361 issued July 28, 2009 (“the ‘361 Patent”).

5. Each of the following defendants has infringed one or more of the ADC patents by selling, offering to sell, and/or importing mobile communication devices in the United States, including sales in Illinois and this judicial district.

6. Verizon Wireless is a Delaware general partnership with its principal place of business at 1 Verizon Way, Basking Ridge, New Jersey 07920. Verizon Wireless does substantial business in this judicial district by, among other things, operating wireless telecommunications systems and providing wireless services, and by providing the wireless handset products accused of infringement in this judicial district. Such products and services are sold and/or offered for sale at numerous Verizon Wireless stores located within this judicial district, including one such store located at 36 South State Street, Chicago, Illinois 60604.

7. T-Mobile is a Delaware corporation with its principal place of business at 12920 SE 38<sup>th</sup> Street, Bellevue, Washington 98006. T-Mobile does substantial business in this judicial district by, among other things, operating wireless telecommunications systems and providing wireless services, and by providing wireless handset products accused of infringement in this judicial

district. Such products and services are sold and/or offered for sale at numerous T-Mobile stores located within this judicial district, including one such store located at 9 South LaSalle Street, Chicago, Illinois 60603.

### **JURISDICTION AND VENUE**

8. This Court has exclusive jurisdiction over the subject matter of this case for patent infringement under 28 U.S.C. § 1338(a).

9. This Court has personal jurisdiction over Verizon Wireless by virtue of its tortious acts of patent infringement which have been committed in the State of Illinois and in this judicial district and by virtue of its regular and systematic transaction of business in the State of Illinois. Verizon Wireless has previously admitted that this Court has personal jurisdiction over it. See, MSTG, Inc. v. Cellco Partnership d/b/a Verizon Wireless, Case No. 08-cv-7411, pending in the United States District Court for the Northern District of Illinois, Docket No. 103, at p. 4.

10. This Court has personal jurisdiction over T-Mobile by virtue of its tortious acts of patent infringement which have been committed in the State of Illinois and in this judicial district and by virtue of its regular and systematic transaction of business in the State of Illinois. T-Mobile has previously consented to personal jurisdiction in this Court. See, MSTG, Inc. v. T-Mobile USA, Inc., Case No. 09-cv-03684, pending in the United States District Court for the Northern District of Illinois, Docket No. 82, at p. 3.

11. Each of the defendants has placed its infringing products in the stream of commerce with knowledge and intent that the products would be distributed and sold to customers in Illinois and this judicial district.

12. Venue is proper in this judicial district under 28 U.S.C. §§ 1400(b) and 1391. All defendants reside in this district because they are subject to personal jurisdiction here. All defendants have committed acts of infringement in this district, and a substantial part of the infringing acts have occurred here.

### **PATENT INFRINGEMENT**

13. Verizon Wireless has infringed at least one claim of each of the '605 and '361 patents, at least by importing, selling, and offering to sell mobile communication devices, including but not limited to phones designated by the names Verizon Escapade and Verizon CDM8975.

14. T-Mobile has infringed at least one claim of each of the '136, '605, and '361 patents, at least by importing, selling, and offering to sell mobile communication devices, including but not limited to phones designated by the names T-Mobile Tap, T-Mobile My Touch™ and T-Mobile G1™.

15. Each defendant's infringement has injured ADC, and ADC is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

16. ADC's injury will continue unless and until this Court enters an injunction against further infringement by all defendants.

17. ADC has complied with any applicable provisions of 35 U.S.C. § 287.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff ADC Technology Inc. respectfully requests that this Court enter judgment against each of defendants Cellco Partnership d/b/a Verizon Wireless, T-Mobile USA, Inc., and against their subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

A. The entry of judgment in favor of ADC Technology Inc. on the claim of infringement for each of the '605 and '361 patents against Cellco Partnership d/b/a Verizon Wireless;

B. The entry of judgment in favor of ADC Technology Inc. on the claim of infringement for each of the '136, '605 and '361 patents against T-Mobile USA, Inc.;

C. An award of damages adequate to compensate ADC Technology Inc. for the infringement that has occurred (together with prejudgment interest from the date the infringement began), but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;

D. A permanent injunction against further infringement of the '136, '605, and '361 patents;

E. A finding that this case is exceptional and an award to ADC Technology Inc. of all relief provided by 35 U.S.C. § 285; and

F. Such other and further relief that ADC Technology Inc. is entitled to under law, and any additional relief that this Court or a jury may deem just and proper.

**JURY DEMAND**

ADC Technology Inc. demands a trial by jury on all issues presented in this complaint.

ADC Technology Inc.

/s/ Richard B. Megley, Jr.

Raymond P. Niro

Dean D. Niro

Patrick F. Solon

Richard B. Megley

Niro, Haller & Niro

181 West Madison, Suite 4600

Chicago, Illinois 60602-4515

(312) 236-0733

Fax: (312) 236-3137