

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

HELPERICH PATENT LICENSING, L.L.C.,	)	
an Illinois Limited Liability Company,	)	
Plaintiff,	)	
	)	No. 1:10-cv-01905
vs.	)	
	)	(Jury Trial Demanded)
	)	
HEWLETT-PACKARD COMPANY,	)	
a Delaware Corporation.	)	
Defendant.	)	

**COMPLAINT**

Plaintiff Helferich Patent Licensing, L.L.C. (“HPL”) complains against defendant Hewlett-Packard Company (“Hewlett-Packard”) as follows:

1. This action arises under the Patent Laws of the United States, Title 35 of the United States Code. This Court has jurisdiction of this action under 28 U.S.C. § 1338(a).
  
2. HPL is an Illinois limited liability company and the exclusive licensee of twenty-two (22) U.S. patents, nine (9) pending U.S. applications, and over a dozen related foreign patents and patent applications all duly and legally issued to or applied for by Richard J. Helferich for the inventions claimed therein (collectively the “HPL Portfolio”). In particular, included in HPL’s Portfolio are the following U.S. Patents relating to mobile wireless communication devices and the provision of media and content to such devices (collectively, “the Subject Patents”):

- U.S. Patent No. 7,627,305, titled “Systems and Methods for Adding Information to a Directory Stored in a Mobile Device,” issued on December 1, 2009;
- U.S. Patent No. 7,499,716, titled “System and Method for Delivering Information to a Transmitting and Receiving Device,” issued on March 3, 2009;
- U.S. Patent No. 7,403,787, titled “Paging Transceivers and Methods for Selectively Retrieving Messages,” issued on July 22, 2008;
- U.S. Patent No. 7,376,432, titled “Paging Transceivers and Methods for Selectively Retrieving Messages,” issued on May 20, 2008;
- U.S. Patent No. 7,280,838, titled “Paging Transceivers and Methods for Selectively Retrieving Messages,” issued October 9, 2007;
- U.S. Patent No. 7,277,716, titled “Systems and Methods for Delivering Information to a Communication Device,” issued October 2, 2007;
- U.S. Patent No. 7,242,951, titled “Paging Transceivers and Methods for Selectively Retrieving Messages,” issued July 10, 2007;
- U.S. Patent No. 7,155,241, titled “Systems and Methods for Enabling a User of a Communication Device to Manage Remote Information,” issued December 26, 2006;
- U.S. Patent No. 7,146,157, titled “Systems and Methods for Downloading Audio Information to a Mobile Device,” issued December 5, 2006;

- U.S. Patent No. 7,039,428, titled “System and Method for Delivering Information to a Transmitting and Receiving Device,” issued May 2, 2006;
- U.S. Patent No. 7,003,304, titled “Paging Transceivers and Methods for Selectively Retrieving Messages,” issued February 21, 2006;
- U.S. Patent No. 6,983,138, titled “User Interface for Message Access,” issued January 3, 2006;
- U.S. Patent No. 6,826,407, titled “System and Method For Integrating Audio and Visual Messaging,” issued November 30, 2004;
- U.S. Patent No. 6,696,921, titled “Transmitting and Receiving Devices and Methods for Transmitting Data to and Receiving Data from a Communications System,” issued February 24, 2004;
- U.S. Patent No. 6,636,733, titled “Wireless Messaging Method,” issued October 21, 2003;
- U.S. Patent No. 6,462,646, titled “Transmitting and Receiving Devices and Methods for Transmitting Data to and Receiving Data from a Communication System,” issued October 8, 2002;
- U.S. Patent No. 6,459,360, titled “Networks, Communication Systems, Transmitting and Receiving Devices, and Methods for Transmitting, Receiving, and Erasing Stored Information,” issued October 1, 2002;
- U.S. Patent No. 6,259,892, titled “Pager Transceivers and Methods for Performing Action on Information at Desired Times,” issued July 10, 2001;

- U.S. Patent No. 6,253,061, titled “Systems and Methods for Delivering Information to a Transmitting and Receiving Device,” issued June 26, 2001;
- U.S. Patent No. 6,233,430, titled “Paging Transceivers and Methods for Selectively Retrieving Messages,” issued May 15, 2001;
- U.S. Patent No. 6,097,941, titled “User Interface for Voice Message Access,” issued August 1, 2000; and
- U.S. Patent No. 6,087,956, titled “Paging Transceivers and Methods for Selectively Erasing Information,” issued July 11, 2000.

3. The Helferich portfolio also includes the following relevant pending applications relating to mobile wireless communication devices and the provision of media and content to such devices (collectively, the “Subject Applications”):

- U.S. Patent Application No. 12/625,357, titled “System and Method for Integrating Audio and Visual Messaging;”
- U.S. Patent Application No. 12/580,189, titled “System And Method for Delivering Information To A Transmitting And Receiving Device;”
- U.S. Patent Application No. 12/267,453, titled “Wireless Messaging System;”
- U.S. Patent Application No. 12/367,358, titled “Content provision to subscribers via wireless transmission;”
- U.S. Patent Application No. 12/167,971, titled “System and Method for

Delivering Information to a Transmitting and Receiving Device;”

- U.S. Patent Application No. 11/635,781, titled “Paging Transceivers and Methods for Selectively Retrieving Messages;”
- U.S. Patent Application No. 11/598,832, titled “Systems and Methods for Downloading Information to a Mobile Device;”
- U.S. Patent Application No. 11/598,202, titled “Wireless Messaging System;” and
- U.S. Patent Application No. 10/958,731, titled “System and Method for Integrating Audio and Visual Messaging.”

4. As exclusive licensee of all right, title, and interest in the Subject Patents, HPL may seek monetary damages, injunctions, and other relief pursuant to 35 U.S.C. § 271 for past, current, and future infringement of the patents.

5. Defendant Hewlett-Packard is a corporation established under the laws of Delaware and based in Palo Alto, California. Hewlett-Packard manufactures or sells mobile wireless communication devices such as cellular telephones--including selling or offering to sell such devices (including the accused devices listed below)--within this judicial district and conducts other business within this judicial district or elsewhere in the United States that impacts this jurisdiction.

6. More specifically, this court has jurisdiction because defendant has caused infringing devices to be sold in the Northern District of Illinois by delivering such devices into the stream of commerce with the expectation that they will be purchased by consumers within this district, including, but not limited to, through defendant’s

relationship with AT&T Inc., a wireless provider with store locations throughout the state of Illinois. Accordingly, venue is appropriate in this district under 28 U.S.C. §§ 1391(c) and 1400(b), and personal jurisdiction is established, because the defendant resides in this district based upon acts of infringement in this district.

7. As detailed below, within the six years preceding the filing of this action, Hewlett-Packard violated 35 U.S.C. § 271 and caused HPL damage in an amount to be proven at trial by manufacturing, using, selling, or offering for sale within the United States mobile wireless communication devices that infringe one or more of the following patent claims: claims 2, and 52 of U.S. Patent 7,499,716; claims 1-5, 7-12, 14, 16 20, 22, 23, 29, and 30 of U.S. Patent 7,376,432; claims 7 and 8 of U.S. Patent 7,280,838; claims 1-5 of U.S. Patent 7,146,157; claims 1-3, 10-12 of U.S. Patent 7,003,304; claims 1, 4, 5, 39, 40, and 42 of U.S. Patent, 6,983,138; claims 1, 16-19, 32, 42, 43, and 45 of U.S. Patent 6,233,430; claims 1, 3, 5, 6, 13, 14, and 16 of U.S. Patent 6,097,941; claims 1, 2, 13, 15, 44, 47, 52, 53, 61, 65, 68, 69, 71, 74, 77, 136, 140, 145, 149, 154, 155, 157, 160, and 161 of U.S. Patent 6,087,956; and likely others as determined through discovery and as additional claims issue (collectively, the “Asserted Handset Claims”). In particular, Hewlett-Packard infringed at least one or more of the Asserted Handset Claims by manufacturing, using, selling or offering for sale within the United States mobile wireless communication devices that provide the claimed messaging and web browsing features (and combinations thereof), including one or more of the following models: iPAQ Glisten, IPAQ Voice Message, iPAQ Data Messenger, iPAQ rw6828, iPAQ 910c, iPAQ

610c, iPAQ hw6915, iPAQ rw6815, iPAQ 514, iPAQ hw6515, iPAQ h6325, iPAQ rw6818, iPAQ h6320, iPAQ hw6510, iPAQ hw6915, iPAQ h6315, and iPAQ hw6910.

8. In addition to the foregoing, within the six years preceding the filing of this action, Hewlett-Packard violated 35 U.S.C. § 271 and caused HPL damage in an amount to be proven at trial by using, and practicing within the United States content provision messaging systems and methods that infringe one or more of the following patent claims: claims 9, 10, 12, 13, 15-18, and 20 of the U.S. Patent 7,280,838; claims 15, 17, 18, 21, 24, and 27 of U.S. Patent 7,499,716; and likely others as determined through discovery and as additional claims issue (collectively, the “Asserted Content Claims”). Hewlett-Packard infringed at least one or more of the Asserted Content Claims by using, and practicing systems and methods that permit Hewlett-Packard to prepare, and format messages to be sent to its customers’ mobile wireless devices that include selectable identifiers, such as URLs and links, that identify additional Hewlett-Packard media and content. Hewlett Packard then causes those messages to be sent to its customers’ mobile devices, including as SMS and MMS messages. By way of specific example, Hewlett-Packard commonly prepares, formats, and sends such notifications in connection with at least its Snapfish photo sharing service, and further in connection with its various social media campaigns.

9. On or about May 9, 2008, HPL gave written notice to Hewlett-Packard of its infringement of the Asserted Handset Claims (the “Handset Notice Letter”). That letter provided Hewlett-Packard with a detailed description of the Asserted Handset Claims, as well as claim infringement charts demonstrating the manner in which the

Asserted Handset Claims were infringed by Hewlett-Packard products. In addition, on or about February 15, 2010, HPL gave written notice to Hewlett-Packard of its infringement of the Asserted Content Claims (the "Content Notice Letter"). The Content Notice Letter provided Hewlett-Packard with a detailed description of the Asserted Content Claims and detailed infringement charts demonstrating the manner in which the Asserted Content Claims were infringed by Hewlett-Packard.

10. In addition, the Content Notice Letter provided Hewlett-Packard with a detailed description of the Subject Applications as well as detailed infringement charts demonstrating the manner in which a number of the pending claims, once issued, will be infringed by Hewlett-Packard's existing business practices. Specifically, HPL identified the following pending claims that, upon issuance, will be infringed by Hewlett-Packard: claims 115, 118, 120, 121, 122, 125-129, 131, 132, 135, 137, 138, 139, 142-149, 152, 154-158, 160-164, 166, 169, 171-175, 177-187, 189, 190, 192-196, 198, 199, 202-207, and 209-221 of U.S. Patent Appl. No. 12/580,189; claims 2, 5-8, 14, 16-19, 24, 27-31, 35, 37-40, and 42 of U.S. Patent Appl. No. 12/367,358; claims 101, 102, 104, 107, 108, 109, 111, and 112 of U.S. Patent Appl. No. 12/167,971; and claims 106, 108, 111-114, 116-118, 123-130, and 134-136 of U.S. Patent Appl. No. 11/598,202. For each such Pending Claim that issues in substantially the same form, HPL intends to seek provisional damages pursuant to 35 U.S.C. § 154(d).

11. To date, and in response to HPL's invitation, more than twenty of the world's largest mobile wireless communication device manufacturers and distributors have signed substantial licensing agreements relating to the Asserted Handset Claims,



including: Apple, Microsoft, HTC, Research in Motion, Samsung, LG Electronics, Casio-Hitachi, Toshiba, Sony-Ericsson, Pantech, ZTE, ASUSTeK, UT Starcom, imate, Wistron, NEC, Panasonic, Sharp, Sanyo, Psion and, most recently, Kyocera. In addition, three of the world's largest content providers have signed licenses relating to the Asserted Content Claims, specifically Microsoft, Apple and Research in Motion.

12. Notwithstanding HPL's licensing success, the detailed and comprehensive proofs provided by HPL to Hewlett-Packard, and the significant time afforded to Hewlett-Packard for it to consider HPL's infringement contentions, Hewlett-Packard refuses to acknowledge infringement, to present defenses, or to agree to a license with respect to either set of claims.

13. Thus, defendant, with actual knowledge of the Asserted Handset and Content Claims and without lawful justification, willfully and deliberately infringed, and continue to infringe, the Asserted Handset and Content Claims.

WHEREFORE, for the foregoing reasons, Helferich Patent Licensing, L.L.C., prays for:

(a) Judgment on the Complaint that defendant has infringed, contributed to the infringement of, or actively induced others to infringe U.S. Patent Nos. 7,499,716, 7,376,432, 7,280,838, 7,146,157, 7,003,304, 6,983,138, 6,233,430, 6,097,941 and 6,087,956 (hereinafter the "Asserted Patents").

(b) A permanent injunction to be issued enjoining and restraining defendant, and its officers, directors, agents, servants, employees, attorneys, licensees, successors, assigns, and those in active concert and participation with them, and each of them, from making, using, selling, offering for sale, or importing any products, systems or methods

which fall within the scope of any or all claims of the Asserted Patents, and from inducing or contributing to the infringement of any such claims by others;

(c) An award of damages against defendant adequate to compensate HPL for past infringement of the Asserted Patents, together with interest and costs as fixed by the Court, such damages to be trebled because of the willful and deliberate character of the infringement;

(d) Judgment that this case is “exceptional” in the sense of 35 U.S.C. § 285, and that HPL is entitled to an award of its reasonable attorneys’ fees in the prosecution of this action; and

(e) Such other and further relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED this 25th day of March, 2010.

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby makes a demand for a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedures as to all issues in this lawsuit.

RESPECTFULLY SUBMITTED this 25th day of March, 2010.

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Timothy D. Sperling  
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