

2. Huawei Technologies Co., Ltd. is a corporation organized and existing under the laws of the People's Republic of China with its principal place of business in Huawei Industrial Base, Bantian, Longgang, Shenzhen, Guangdong, P.R. China, 518129.

3. Huawei Technologies USA Inc. is a Texas corporation with its principal place of business in Plano, Texas. This Defendant may be served with process through its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

4. Huawei Devices USA Inc. is a Texas corporation with its principal place of business in Plano, Texas. This Defendant may be served with process through its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

5. Futurewei Technologies, Inc. (collectively with Huawei Technologies Co., Ltd., Huawei Technologies USA Inc., and Huawei Devices USA Inc., "Huawei") is a Texas corporation with its principal place of business in Plano, Texas. This Defendant may be served with process through its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201. Huawei does business in the State of Texas and in the Eastern District of Texas.

JURISDICTION AND VENUE

6. SmartPhone brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each Defendant is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business

involving their accused products in this judicial district and/or, has regular and established places of business in this judicial district.

8. Each Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and judicial district, including: (A) at least part of its infringing activities alleged herein; and (B) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 6,950,645)

9. Smartphone incorporates paragraphs 1 through 8 herein by reference.

10. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

11. SmartPhone is the exclusive licensee of the '645 patent, entitled "POWER-CONSERVING INTUITIVE DEVICE DISCOVERY TECHNIQUE IN A BLUETOOTH ENVIRONMENT," with ownership of all substantial rights in the '645 patent, including the right to exclude others and to enforce, sue and recover damages for the past and future infringement. A true and correct copy of the '645 patent is attached as Exhibit A.

12. The '645 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

13. On information and belief, Huawei is directly and/or indirectly infringing one or more claims of the '645 patent in this judicial district and elsewhere in Texas and the United States, including at least claim 18, by, among other things, making, using, offering for sale,

selling and/or importing computerized communications devices including, without limitation, the Ascend II, Comet, Express, Impulse (U8800), and SpringBoard™. Huawei and customers who acquire and use such devices have, at a minimum, directly infringed the '645 patent, and Huawei is thereby liable for direct and/or indirect infringement of the '645 patent pursuant to 35 U.S.C. § 271.

14. Huawei is, and has been, aware of the '645 patent, has pre-suit knowledge of the infringing nature of its activities, and has nevertheless continued its infringing conduct; thus, Huawei's infringing activities relative to the '645 patent have been, and continue to be, willful.

15. SmartPhone has been damaged as a result of Huawei's infringing conduct described in this Count. Huawei is, thus, liable to SmartPhone in an amount that adequately compensates SmartPhone for Huawei's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 6,466,236)

16. SmartPhone incorporates paragraphs 1 through 8 herein by reference.

17. SmartPhone is the exclusive licensee of the '236 patent, entitled "SYSTEM AND METHOD FOR DISPLAYING AND MANIPULATING MULTIPLE CALENDARS ON A PERSONAL DIGITAL ASSISTANT," with ownership of all substantial rights in the '236 patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringements. A true and correct copy of the '236 patent is attached as Exhibit B.

18. The '236 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

19. Huawei is directly and/or indirectly infringing one or more claims of the '236 patent in this judicial district and elsewhere in Texas, including at least claim 1, without the consent or authorization of SmartPhone, by or through making, using, offering for sale, selling and/or importing computerized communication devices, including, without limitation, the Impulse (U8800) and SpringBoard™. Huawei and persons who acquire and use such devices have, at a minimum, directly infringed the '236 patent, and Huawei is thereby liable for direct and/or indirect infringement of the '236 patent pursuant to 35 U.S.C. § 271.

20. SmartPhone has been damaged as a result of Huawei's infringing conduct described in this Count. Huawei is, thus, liable to SmartPhone in an amount that adequately compensates SmartPhone for Huawei's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III

(INFRINGEMENT OF U.S. PATENT NO. 6,928,300)

21. SmartPhone incorporates paragraphs 1 through 8 herein by reference.

22. SmartPhone is the exclusive licensee of the '300 patent, entitled "METHOD AND APPARATUS FOR AUTOMATED FLEXIBLE CONFIGURING OF NOTIFICATIONS AND ACTIVATION," with ownership of all substantial rights in the '300 patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringements. A true and correct copy of the '300 patent is attached as Exhibit C.

23. The '300 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

24. Huawei is directly and/or indirectly infringing one or more claims of the '300 patent in this judicial district and elsewhere in Texas, including at least claim 1, without the

consent or authorization of SmartPhone, by or through making, using, offering for sale, selling and/or importing computerized communication devices, including, without limitation, the Ascend II, Express, Impulse (U8800), and SpringBoard™. Huawei and persons who acquire and use such devices have, at a minimum, directly infringed the '300 patent, and Huawei is thereby liable for direct and/or indirect infringement of the '300 patent pursuant to 35 U.S.C. § 271.

25. SmartPhone has been damaged as a result of Huawei's infringing conduct described in this Count. Huawei is, thus, liable to SmartPhone in an amount that adequately compensates SmartPhone for Huawei's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT IV

(INFRINGEMENT OF U.S. PATENT NO. 7,664,485)

26. SmartPhone incorporates paragraphs 1 through 8 herein by reference.

27. SmartPhone is the exclusive licensee of the '485 patent, entitled "MAKING A PHONE CALL FROM AN ELECTRONIC DEVICE HAVING AN ADDRESS LIST OR A CALL HISTORY LIST," with ownership of all substantial rights in the '485 patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringements. A true and correct copy of the '485 patent is attached as Exhibit D.

28. The '485 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

29. Huawei is directly and/or indirectly infringing one or more claims of the '485 patent in this judicial district and elsewhere in Texas, including at least claims 20, 26, and 28, without the consent or authorization of SmartPhone, by or through making, using, offering for sale, selling and/or importing computerized communication devices, including, without

limitation, the Ascend II, Express, and Impulse (U8800). Huawei and persons who acquire and use such devices have, at a minimum, directly infringed the '485 patent, and Huawei is thereby liable for direct and/or indirect infringement of the '485 patent pursuant to 35 U.S.C. § 271.

30. SmartPhone has been damaged as a result of Huawei's infringing conduct described in this Count. Huawei is, thus, liable to SmartPhone in an amount that adequately compensates SmartPhone for Huawei's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT V

(INFRINGEMENT OF U.S. PATENT NO. 6,173,316)

31. SmartPhone incorporates paragraphs 1 through 8 herein by reference.

32. SmartPhone is the exclusive licensee of the '316 patent, entitled "WIRELESS COMMUNICATION DEVICE WITH MARKUP LANGUAGE BASED MAN-MACHINE INTERFACE," with ownership of all substantial rights in the '316 patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringements. A true and correct copy of the '316 patent is attached as Exhibit E.

33. The '316 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

34. Huawei is directly and/or indirectly infringing one or more claims of the '316 patent in this judicial district and elsewhere in Texas, including at least claims 1-4, without the consent or authorization of SmartPhone, by or through making, using, offering for sale, selling and/or importing computerized communication devices, including, without limitation, the Ascend, Ascend II, Ascend X, Comet, Express, Impulse (U8800), and M835. Huawei and persons who acquire and use such devices have, at a minimum, directly infringed the '316 patent,

and Huawei is thereby liable for direct and/or indirect infringement of the '316 patent pursuant to 35 U.S.C. § 271.

35. SmartPhone has been damaged as a result of Huawei's infringing conduct described in this Count. Huawei is, thus, liable to SmartPhone in an amount that adequately compensates SmartPhone for Huawei's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

SmartPhone hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

SmartPhone requests that the Court find in its favor and against Huawei, and that the Court grant SmartPhone the following relief:

- a. Judgment that one or more claims of the '645, '236, '300, '485, and/or '316 patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendants and/or by others to whose infringements Defendants has contributed and/or by others whose infringements have been induced by Defendants;
- b. Judgment that Defendants account for and pay to SmartPhone all damages to and costs incurred by SmartPhone because of Defendants' infringing activities and other conduct complained of herein;
- c. Judgment that Defendants account for and pay to SmartPhone a reasonable, on-going, post judgment royalty because of Defendants' infringing activities and other conduct complained of herein;
- d. That Defendants' infringements relative to at least the '645 patent be found willful from the time that Defendants became aware of the infringing nature of their products, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- e. That SmartPhone be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein; and

- f. That SmartPhone be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: April 3, 2012

Respectfully submitted,

/s/ Edward R. Nelson, III (w/permission TJW, Jr.
Edward R. Nelson, III
enelson@nbclaw.net
Texas State Bar No. 00797142
Christie B. Lindsey
clindsey@nbclaw.net
Texas State Bar No. 24041918
S. Brannon Latimer
blatimer@nbclaw.net
Texas State Bar No. 24060137
NELSON BUMGARDNER CASTO, P.C.
3131 West 7th Street, Suite 300
Fort Worth, Texas 76107
Phone: (817) 377-9111
Fax: (817) 377-3485

Anthony G. Simon
asimon@simonlawpc.com
Michael P. Kella
mkella@simonlawpc.com
THE SIMON LAW FIRM
800 Market Street, Suite 1700
St. Louis, MO 63101
Phone: (314) 241-2929
Fax: (314) 241-2029

T. John Ward, Jr.
Texas State Bar No. 00794818
J. Wesley Hill
Texas State Bar No. 24032294
WARD & SMITH LAW FIRM
111 W. Tyler Street
Longview, Texas 75601
(903) 757-6400
(903) 757-2323 (fax)
jw@wsfirm.com
wh@wsfirm.com

**Attorneys for Plaintiff
SmartPhone Technologies LLC**