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19	NOVA INTELLECTUAL SOLUTIONS, LLC
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# IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NOVA INTELLECTUAL SOLUTIONS, LLC, a Texas limited liability company,

Plaintiff,

BLACKBERRY CORPORATION, a Delaware corporation,

Defendant.

Case No. 3:15-cv-01299-CAB-JMA

#### PLAINTIFF'S FIRST AMENDED COMPLAINT FOR PATENT **INFRINGEMENT**

Jury Trial Demanded

Plaintiff Nova Intellectual Solutions, LLC files this amended complaint against Blackberry Corporation ("Blackberry" or "Defendant") for infringement of U.S. Patent No. 8,208,517.

#### THE PARTIES

- 1. Nova Intellectual Solutions, LLC ("NIS" or "Plaintiff") is a Texas limited liability company with its principal place of business at 8616 Turtle Creek Boulevard, Suite 521, Dallas, Texas 75225. NIS is the owner by assignment of U.S. Patent No. 8,208,517 ("the '517 patent").
- 2. On information and belief, Blackberry Corporation is a Delaware corporation with its principal place of business at 5000 Riverside Dr., Suite 100E, Irving, Texas. Defendant may be served with process through its agent, Corporate Creations Network Inc., 1403 Truxton Ave., 5th Floor, Bakersfield, CA 93301. Defendant does business in the State of California and in the Southern District of California.

### JURISDICTION AND VENUE

3. NIS 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 and 1338.

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- 4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(d) and 1400(b). On information and belief, Blackberry transacts business in this District. On information and belief, Blackberry has committed acts of infringement in this District. The '517 patent was formerly owned by, and formerly assigned to, Novatel Wireless, which is headquartered in this District.
- 5. Blackberry is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the California 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 California residents.

#### **COUNT I**

### (Patent Infringement - U.S. Patent No. 8,208,517)

- 6. NIS incorporates paragraphs 1 through 6 herein by reference.
- 7. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq*.
- 8. NIS is the owner of the '517 patent, entitled "Systems and Methods For A Multi-Mode Wireless Modem," with ownership of all substantial rights in the '517 patent, including the right to exclude others and to enforce, sue, and recover damages for past and future infringement. A true and correct copy of the '517 patent is attached as Exhibit A.
- 9. The '517 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

## **DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

- 10. Blackberry has directly infringed, and continue to directly infringe, one or more claims of the '517 patent in this judicial district and elsewhere in California and the United States.
  - 11. Blackberry has infringed the '517 patent, by using, selling, and/or offering

to sell, within the United States, and/or by importing into the United States, products, including, but not limited to, mobile data hot spots and data modems, which embody and/or practice at least claim 1 of the '517 patent by providing a wireless gateway device which allows multiple wireless devices to access the internet through a wireless communication system in violation of 35 U.S.C. § 271 (the "'517 Accused Products"). The Accused Products include, but are not limited to, the Classic, Z30, Z10, Q10, Bold 9900 / 9930, Bold 9790, Curve 9310/9315/9320, Curve 9360, and Passport.

12. Blackberry is liable for these direct infringements pursuant to 35 U.S.C. § 271.

#### WHEREFORE, Plaintiffs request that the Court:

NIS asks that the Court find in its favor and against Blackberry, and that the Court grant NIS the following relief:

- a. Judgment that one or more claims of the '517 patent has been infringed, either literally and/or under the doctrine of equivalents, by Blackberry;
- Judgment that Blackberry account for and pay to NIS all damages and costs incurred by NIS because of Blackberry's infringing activities and other conduct complained of herein;
- Judgment that Blackberry account for and pay to NIS a reasonable, ongoing, post judgment royalty because of Blackberry's infringing activities and other conduct complained of herein;
- d. That NIS be granted pre judgment and post judgment interest on the damages caused by Blackberry's infringing activities and other conduct complained of herein; and
- e. That NIS be granted such other and further relief as the Court may deem just and proper under the circumstances

1	Dated: June 26, 2015	NELSON BUMGARDNER, P.C.	
2			
3	Ву	: /s/ Timothy Grochocinski Timothy Grochocinski	
4		Timothy Grochocinski	
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17		Attorneys for Nova Intellectual Solutions, LLC	
18			
19	REQUEST FOR TRIAL BY JURY		
20	Plaintiffs claim trial by jury on all issues so triable.		
21			
22	Dated: June 26, 2015	NELSON BUMGARDNER, P.C.	
23	2 000 00 00000 20, 2020	1,22, 61, 2 61, 261, 21, 21, 21, 41, 41, 41, 41, 41, 41, 41, 41, 41, 4	
24	$R_{V}$	: /s/ Timothy Grochocinski	
25	Бу	Timothy Grochocinski	
26		Attorney for Plaintiff Nova Intellectual	
27		Solutions, LLC	
28			

**CERTIFICATE OF SERVICE** I hereby certify that a true and correct copy of the foregoing was served on all counsel of record via CM-ECF on June 26, 2015. Dated: June 26, 2015 NELSON BUMGARDNER, P.C. By: /s/ Timothy Grochocinski
Timothy Grochocinski Attorney for Plaintiff Nova Intellectual Solutions, LLC