

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

Inventergy, Inc.,  Plaintiff,  v.  Apple Inc.,  Defendant.	C.A. No. _____  <b>JURY TRIAL DEMANDED</b>
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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Inventergy, Inc. (“Inventergy”) files this Complaint against Defendant Apple Inc. (“Apple” or “Defendant”). Inventergy alleges as follows:

**NATURE OF THE ACTION**

1. Inventergy brings this patent infringement action to protect its intellectual property and stop Defendant from continuing its wrongful and unlicensed use of Inventergy’s patented technologies within and in conjunction with Defendant’s mobile phones, and tablets, among other devices.
2. Inventergy is an investment and licensing company that helps industry leaders protect their most valuable intellectual property. Inventergy has been repeatedly recognized for its ability to create value through its strategic insight into the development, creation, and management of intellectual property.
3. Inventergy owns a robust patent portfolio comprising hundreds of patents embodying decades of innovation, investment and effort by numerous companies, inventors, and engineers. Inventergy encourages innovation through proper channels

by licensing its intellectual property within the marketplace, but enforces its patent rights when necessary to protect its own investment, along with the hard work of the inventors of that intellectual property, from unauthorized use.

4. Inventergy's patent portfolio includes patents related to mobile telecommunications and wireless technology, including, but not limited to EDGE/3G/LTE user devices, routers, infrastructure, telecommunications management services, and IMS/VoIP core networks.

5. Defendant provides certain products and services, including but not limited to its mobile phones, and tablets, among other devices. Products sold by Defendant include, but are not limited to, the devices listed in Appendix A. Defendant's products and related services make use of Inventergy's patented technology and infringe the following United States patents ("the Asserted Patents"):

- a. U.S. Patent No. 6,466,563 ("the '563 Patent"), titled "CDMA Mobile Station and CDMA Transmission Method" (Exhibit A attached hereto);
- b. U.S. Patent No. 6,611,676 ("the '676 Patent"), titled "Radio Communication Apparatus and Transmission Rate Control Method" (Exhibit B attached hereto);
- c. U.S. Patent No. 7,206,587 ("the '587 Patent"), titled "Communication Terminal Apparatus, Base Station Apparatus, and Radio Communication Method" (Exhibit C attached hereto);
- d. U.S. Patent No. 7,760,815 ("the '815 Patent"), titled "Apparatus and Method for Transmission/Reception" (Exhibit D attached hereto);

- e. U.S. Patent No. 7,764,711 (“the ‘711 Patent”), titled “CDMA Transmission Apparatus and CDMA Transmission Method” (Exhibit E attached hereto);
- f. U.S. Patent No. 7,848,439 (“the ‘439 Patent”), titled “Communication Apparatus, Communication System, and Communication Method” (Exhibit F attached hereto); and
- g. U.S. Patent No. 6,760,590 (“the ‘590 Patent”), titled “Communication Terminal Apparatus, Base Station Apparatus, and Radio Communication Method” (Exhibit G attached hereto).

6. Accordingly, Inventergy seeks damages in an amount adequate to compensate them for Defendant’s infringement, including trebled damages based on Defendant’s willful infringement of the Asserted Patents, a permanent injunction barring Defendant from continuing to infringe the Asserted Patents, and Inventergy’s attorneys’ fees and costs associated with this action.

#### JURISDICTION AND VENUE

7. This lawsuit is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101 *et seq.* This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. The Court has personal jurisdiction over Defendant because, on information and belief, Defendant Apple Inc. is present within or has minimum contacts within the State of Delaware and the District of Delaware; Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware and the District of

Delaware; Defendant has sought protection and benefit from the laws of the State of Delaware; Defendant regularly conducts business within the State of Delaware and within the District of Delaware; and Inventergy's cause of action arises directly from Defendant's business contacts and other activities in the State of Delaware and the District of Delaware.

9. More specifically, this Court has personal jurisdiction over Defendant because Defendant directly and/or through intermediaries, ships, distributes, uses, offers for sale, sells, and/or advertises products and services in the United States, the State of Delaware, and the District of Delaware. This Court also has personal jurisdiction over Defendant because Defendant has committed, contributed to, and induced acts of patent infringement and has regularly and systematically conducted and solicited business in this District by and through at least the sales and offers for sale of Defendant's products and services, and other contractual arrangements with Defendant's customers, developers, distributors and third-parties using Defendant's products and services located in and/or doing business in this District.

10. Upon information and belief, Defendant provides and/or directs its products and services at customers living in cities served by the United States District Court for the District of Delaware. Defendant owns, manages, and/or operates a retail store within the District of Delaware that sells Defendant's products to customers in this District. By way of example, employees of the Apple store located at 125 Stanton

Christiana Road, Newark, DE 19702, have publicly stated: “We sell more iPhones than anyone.”<sup>1</sup>

11. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Defendant has transacted business in this District, and has directly committed acts of patent infringement in this District.

### **THE PARTIES**

#### **A. Plaintiff Inventergy**

12. Inventergy is a Delaware corporation whose principal place of business is located in Campbell, California.

13. Inventergy was founded by Joe Beyers – the former head of intellectual property and global strategy at Hewlett-Packard. Throughout his career, Mr. Beyers has worked extensively with innovative and emerging technologies, including through the identification, acquisition, and licensing of patented technologies for fair value. Collectively, Inventergy’s management team has more than 100 years of experience working for global companies, handling more than \$15 billion in intellectual property and technology transactions worldwide.

14. Inventergy owns, through assignments originating with Panasonic Corporation (“Panasonic”), a patent portfolio (“the Panasonic portfolio”) related to mobile telecommunications and wireless technology, including, but not limited to

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<sup>1</sup> ABCNews.com, *Apple’s (AAPL) Delaware Store Claims Title for Selling Most iPhones* (Nov. 12, 2013), available at <http://abcnews.go.com/Business/apples-delaware-store-claims-title-selling-iphones/story?id=20650009> (last accessed Feb. 24, 2017).

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