



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

STRAIGHT PATH IP GROUP, INC.,

Plaintiff,

v.

LG ELECTRONICS, INC.,
LG ELECTRONICS U.S.A., INC., AND
LG ELECTRONICS MOBILECOMM U.S.A, INC.

Defendants.

Civil Action No. 1:13cv933
CMH/TRJ
JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. Plaintiff Straight Path IP Group, Inc. (“Straight Path” or “Plaintiff”), for its Complaint against Defendants LG Electronics, Inc. (“LG Electronics”), LG Electronics U.S.A., Inc. (“LG Electronics USA”), and LG Electronics MobileComm U.S.A, Inc. (“LG Electronics MobileComm”) (collectively, “Defendants”), hereby alleges as follows:

PARTIES

2. Straight Path is a Delaware corporation with its principal place of business at 5300 Hickory Park Dr., Suite 218, Glen Allen, VA 23059.

3. LG Electronics is located at LG Twin Towers, 20 Yeouidodong, Yeongdeungpo-gu Seoul 150-721, South Korea. LG Electronics is in the business of, *inter alia*, developing, manufacturing, and selling consumer electronics, display devices and products containing same, and point-to-point network communications devices and products containing same. Such devices include, but are not limited to, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players and set-top boxes. LG Electronics maintains operations in many countries

throughout the world. LG Electronics is the parent corporation of defendants LG Electronics USA and LG Electronics MobileComm.

4. LG Electronics USA is a wholly-owned subsidiary of defendant LG Electronics and a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 1000 Sylvan Ave., Englewood Cliffs, NJ, 07632. LG Electronics USA manages the North American operations of defendant LG Electronics MobileComm, and the two entities provide sales and marketing support in North America for their ultimate parent, LG Electronics.

5. LG Electronics MobileComm (d/b/a LG Mobile Phones) is a wholly-owned subsidiary of respondent LG Electronics USA. LG Electronics MobileComm is a corporation organized and existing under the laws of the state of California with its principal place of business located at 10101 Old Grove Road, San Diego, CA 92131, and is managed by its parent LG Electronics USA. On information and belief, LG Electronics MobileComm provides a variety of messaging and telephony devices, including mobile telephone handsets and tablet computers, to customers throughout the United States. LG Electronics MobileComm has imported such goods manufactured by LG Electronics from South Korea.

NATURE OF THE ACTION

6. This is a civil action for the infringement of United States Patent No. 6,009,469 (the “469 Patent”) (attached as Exhibit A) entitled “Graphic User Interface for Internet Telephony Application,” United States Patent No. 6,108,704 (the “704 Patent”) (attached as Exhibit B) entitled “Point-to-Point Protocol,” and United States Patent No. 6,131,121 (the “121 Patent) (attached as Exhibit C) entitled “Point-to-Point Computer Network Communication

Utility Utilizing Dynamically Assigned Network Protocol Addresses” (collectively, the “Patents-in-Suit”) under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

7. This action involves Defendants’ manufacture, use, sale, offer for sale, and/or importation into the United States of infringing products, methods, processes, services and systems that are primarily used or primarily adapted for use in point-to-point network communications devices and products containing same, including, for example but without limitation, smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players and set-top boxes, that infringe one or more of the claims of the Patents-in-Suit.

JURISDICTION AND VENUE

8. This Court has original jurisdiction over the subject matter of this Complaint under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. §§ 1, *et seq.*

9. Defendants are subject to personal jurisdiction in the Commonwealth of Virginia because Defendants regularly transact business in this judicial district by, among other things, offering Defendants’ products and services to customers, business affiliates and partners located in this judicial district. In addition, the Defendants have committed acts of direct infringement of one or more of the claims of one or more of the Patents-in-Suit in this judicial district.

10. Venue in this district is proper under 28 U.S.C. § 1400(b) and 1391(b) and (c), because the Defendants are subject to personal jurisdiction in this district and have committed acts of infringement in this district.

FACTUAL BACKGROUND

11. Plaintiff Straight Path is the lawful assignee of all right, title and interest in and to the Patents-in-Suit.

12. All maintenance fees for the Patents-in-Suit have been timely paid, and there are no fees currently due.

COUNT I
(Defendants' Infringement of the '469 Patent)

13. Paragraphs 1 through 12 are incorporated by reference as if fully restated herein.

14. Defendants make, use, sell, offer to sell and/or import into the United States for subsequent sale or use products, services, methods or processes that directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, or that employ systems, components and/or processes that make use of systems or processes that directly and/or indirectly infringe, literally and/or under the doctrine of equivalents, claims of the '469 Patent, including at least Claims 1, 2, 3, 9, 10, 17 and 18.

15. Such infringing devices include consumer electronics and display devices, including but not limited to, certain of Defendants' point-to-point network communications devices and products containing same, including, for example but without limitation, the LG Optimus G Smartphone (hereinafter, "the LG Smartphone", which encompasses all LG smartphones, including but not limited to model numbers LG LUCID2 (VS870), LG SPIRIT 4G (MS870), LGE960 (Nexus 4), LG OPTIMUS REGARD (LW770), LG MACH (LS860), LG OPTIMUS G (LS970), LG OPTIMUS L9 (P769), LG OPTIMUS G (E970), LG VENICE (LG730), LG ESCAPE (P870), LG SPECTRUM 2 (VS930), LG SPLENDOR (US730), LG INTUITION (VS950), LG MOTION 4G (MS770), LG OPTIMUS PLUS (AS695), LG ELITE (LS696), LG VIPER (LS840), LG OPTIMUS M+ (MS695), LG LUCID (VS840), LG NITRO (P930), LG SPECTRUM (VS920), LG MARQUEE (LG855), LG CONNECT 4G (MS840), LG OPTIMUS Q (LGL55C), LG OPTIMUS 2 (AS680), LG IGNITE (AS855), LG MYTOUCH Q (LGC800DG), LG MYTOUCH Q (LGC800VL), LG OPTIMUS ONE (P504), LG MYTOUCH

(LGE739BK), LG DOUBLEPLAY (C729), LG OPTIMUS SLIDER (VM701), LG ESTEEM (MS910), LG ENLIGHTEN (VS700), LG MARQUEE (LS855), LG THRILL (P925), LG REVOLUTION (VS910), LG GENESIS (US760), LG G2X (P999), LG THRIVE (P506), LG PHOENIX (P505), LG OPTIMUS C (LW690), LG OPTIMUS V (VM670), LG VORTEX (VS660)), as well as others of Defendants' smartphone handsets, tablet computers, computers, smart TVs, Blu-ray players and set-top boxes.

16. Defendants actively, knowingly, and intentionally induced, and continue to actively, knowingly, and intentionally induce, infringement of the '469 Patent by making, using, offering for sale, importing, and selling infringing consumer electronics and display devices, as well as by contracting with others to use, market, sell, offer to sell, and import infringing consumer electronics and display devices, all with knowledge of the '469 Patent and its claims; with knowledge that its customers and end users will use, market, sell, offer to sell, and import infringing consumer electronics and display devices; and with the knowledge and the specific intent to encourage and facilitate those infringing sales and uses of infringing consumer electronics and display devices through the creation and dissemination of promotional and marketing materials, instructional materials, product manuals, and technical materials.

17. Defendants have also contributed to the infringement by others, including the end users of infringing consumer electronics and display devices, and continue to contribute to infringement by others, by selling, offering to sell, and importing the infringing consumer electronics and display devices into the United States, knowing that those products constitute a material part of the inventions of the '469 Patent, knowing those products to be especially made or adapted to infringe the '469 Patent, and knowing that those products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

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