

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

ROSETTA-WIRELESS CORP., an Illinois Corporation,)	
)	
Plaintiff)	
)	
v.)	Civil Action No. _____
)	
LG ELECTRONICS CO., a Foreign Corporation, and LG ELECTRONICS USA INC., a Delaware Corporation,)	Judge Joan H. Lefkow
)	
Defendants.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Rosetta-Wireless Corp. (“Rosetta” or “Plaintiff”) hereby alleges by way of complaint against Defendants LG Electronics Co., and LG Electronics USA Inc., (collectively, “Defendants”) as follows:

THE PARTIES

1. Rosetta is a corporation organized and existing under the laws of Illinois. Rosetta was founded in 2000 to develop and market novel solutions to consumers’ wireless access problems. Rosetta has a principal place of business at 15522 Hawkhaven Road, Homer Glen, IL 60441.

2. Upon information and belief, Defendant LG Electronics Co. is a foreign corporation having a place of business at LG Twin Towers 20, Yeouido dong, Yeongdeungpo-gu, Seoul, Republic of Korea 150-721 with its United States headquarters at 10101 Old Grove Road, San Diego CA 92131. LG Electronics Co. does substantial business in this judicial district including the marketing, sale, offering for sale, and importation of cellular

telephone devices that are accused of patent infringement in this case.

3. Upon information and belief, Defendant LG Electronics USA Inc. is a corporation organized and existing under the laws of Delaware, having a principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632. LG Electronics USA Inc. is registered to do business in Illinois and can be served with process through its registered agent, United States Corporation Co., at 801 Adlai Stevenson Drive, Springfield, IL 62703.

4. LG Electronics Co. and LG Electronics USA Inc. are referred to collectively as “LG.”

JURISDICTION AND VENUE

5. The court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Venue is proper in this federal district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) in that each Defendant has done business in this District, has committed acts of infringement in this District, and continues to commit acts of infringement in this District, entitling Plaintiff to relief.

INFRINGEMENT

6. On December 12, 2006, United States Patent No. 7,149,511 (the “’511 Patent”) was issued for inventions titled “Wireless Intelligent Personal Server.” On January 10, 2012, an Ex Parte Reexamination Certificate was issued regarding Claims 1 and 58 of the ’511 Patent. Rosetta owns, and during all relevant times, has owned, all right, title and interest in the ’511 Patent, which is attached hereto as Exhibit A.

7. Upon information and belief, Defendants have infringed directly and continue to infringe directly the ’511 Patent. The infringing acts include, but are not limited to, the manufacture, use, sale, or offer for sale within the United States, or the importation into the

United States of products that embody the patented invention, including the products listed for each Defendant in the attached Exhibit B. Defendants are liable for infringement of the '511 Patent pursuant to 35 U.S.C. § 271.

8. The acts of infringement by Defendants have caused damage to Rosetta, and Rosetta is entitled to recover from Defendants the damages sustained by Rosetta as a result of Defendants' wrongful acts in an amount subject to proof at trial. The infringement of Rosetta's exclusive rights under the '511 Patent by Defendants has damaged and will continue to damage Rosetta, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

9. To the extent required, Rosetta has complied with 35 U.S.C. § 287(a). Rosetta has never sold a product in the United States and is therefore not required itself to mark products, nor has it licensed the '511 Patent.

10. Upon information and belief, Defendants had knowledge of the '511 Patent no later than January 27, 2015, yet Defendants have continued to infringe said patent. The infringement of the '511 Patent by Defendants is willful, deliberate and unreasonable, and with full knowledge of the patent, entitling Rosetta to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

JURY DEMAND

11. Plaintiff hereby demands a trial by jury on all issues.

PRAYER FOR RELIEF

Wherefore, Rosetta requests entry of judgment in its favor and against Defendants as follows:

a) A declaration that Defendants, and each of them, have infringed and are infringing

the '511 Patent;

- b) An injunction against Defendants' continuing infringement;
- c) An award of damages to Rosetta arising out of Defendants' infringement of the '511 Patent, including enhanced damages pursuant to 35 U.S.C. § 284, together with prejudgment and post-judgment interest, in an amount according to proof;
- d) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- e) Costs and other relief as the Court may deem just and proper.

Date: November 24, 2015

KOBRE & KIM LLP

/s/ Michael Ng

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