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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

INVT SPE LLC,

Plaintiff,

v.

HTC Corporation, and
HTC America, Inc.,

Defendants.

CIVIL CASE NO.:

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff INVT SPE LLC (“Inventergy SPE”), a Delaware limited liability corporation whose principal place of business is located at One Market Plaza, Spear Tower, 42nd Floor, San Francisco, CA 94015, hereby files this Complaint against HTC Corporation and HTC America, Inc. (collectively “Defendant” or “HTC”). Inventergy SPE alleges as follows:

NATURE OF THE ACTION

1. Inventergy SPE brings this patent infringement action to protect its intellectual property and stop Defendant from continuing its wrongful and unlicensed use of Inventergy SPE’s patented technologies within and in conjunction with Defendant’s mobile phones, phablets, and tablets, among other devices.

2. Inventergy SPE owns a robust patent portfolio comprising hundreds of patents embodying decades of innovation, investment and effort by numerous companies, inventors, and engineers.

3. Inventergy SPE’s patent portfolio includes patents related to mobile telecommunications and wireless technology, including, but not limited to EDGE/3G/LTE user devices and base stations.

4. 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 SPE’s patented technology and infringe the following United States patents (“the Asserted Patents”):

- a. Attached hereto as Exhibit A is U.S. Patent No. 6,466,563 (“the ’563 Patent”), titled “CDMA Mobile Station and CDMA Transmission Method”;

- b. Attached hereto as Exhibit B is U.S. Patent No. 6,611,676 (“the ’676 Patent”), titled “Radio Communication Apparatus and Transmission Rate Control Method”;
- c. Attached hereto as Exhibit C is 7,206,587 (“the ’587 Patent”), titled “Communication Terminal Apparatus, Base Station Apparatus, and Radio Communication Method”;
- d. Attached hereto as Exhibit D is U.S. Patent No. 7,760,815 (“the ’815 Patent”), titled “Apparatus and Method for Transmission/Reception”;
- e. Attached hereto as Exhibit E is U.S. Patent No. 7,764,711 (“the ’711 Patent”), titled “CDMA Transmission Apparatus and CDMA Transmission Method”;
- f. Attached hereto as Exhibit F is U.S. Patent No. 7,848,439 (“the ’439 Patent”), titled “Communication Apparatus, Communication System, and Communication Method”; and
- g. Attached hereto as Exhibit G is U.S. Patent No. 6,760,590 (“the ’590 Patent”), titled “Communication Terminal Apparatus, Base Station Apparatus, and Radio Communication Method.”

5. Accordingly, Inventergy SPE 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, or in the alternative, an award of a reasonable ongoing royalty for future infringement, and Inventergy SPE’s attorneys’ fees and costs associated with this action.

JURISDICTION AND VENUE

6. 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).

7. The Court has personal jurisdiction over Defendant because, on information and belief, Defendant is present within or has minimum contacts within the State of New Jersey and the District of New Jersey; Defendant has purposefully availed itself of the privileges of conducting business in the State of New Jersey and the District of New Jersey; Defendant has sought protection and benefit from the laws of the State of New Jersey; Defendant regularly conducts business within the State of New Jersey and within the District of New Jersey; and Inventergy SPE's cause of action arises directly from Defendant's business contacts and other activities in the State of New Jersey and the District of New Jersey.

8. 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 New Jersey, and the District of New Jersey. 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.

9. 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 New Jersey.

10. 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, has directly committed acts of patent infringement in this District, and has a regular and established place of business in this District.

11. Defendant engages in a substantial part of its ordinary business in a continuous manner in this District. On information and belief, Defendant maintains, controls, and pays for a permanent physical location from which sales are made within this District. Since as early as 2012, Defendant has operated at least a sales office at 135 State Route 202/206, Bedminster, New Jersey 07921, which Defendant advertises on its official website for the purpose of hiring potential employees.¹

12. On information and belief, within this District, Defendant employs a number of executives, technical managers, sales representatives, field engineers, and other employees who are directly involved in Defendant's direct infringement, including through the testing, demonstration, use, and sale of the accused products and services within New Jersey.

13. For example, Defendant's Executive Director for the Verizon Account has operated in that position at Defendant's Bedminster office since as early as September 2015. He is responsible for key carrier accounts for the Defendant in the US and Canada, and has comprehensive product development, product management, account, and operations experience in the wireless industry. Defendant's Executive Director was previously Defendant's Director of Product Management. He was also employed in Bedminster, New Jersey while operating in that previous role.

¹ HTC, Global Openings | HTC Global Careers, *available at* <http://careers.htc.com/career/HTC-global/apply-now/global-openings> (last accessed May 24, 2017).

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