

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CEQUINT INC.,)	
)	
Plaintiff,)	
)	C.A. No. _____
v.)	
)	JURY TRIAL DEMANDED
APPLE INC.,)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Cequint Inc. (“Cequint”) alleges as follows by way of its complaint against Apple Inc. (“Apple”):

THE PARTIES

1. Cequint is a Washington corporation with principal place of business in Seattle, Washington.
2. Apple is a California corporation with principal place of business in Cupertino, California.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

4. Apple does business and is committing infringements in this judicial district and is subject to personal jurisdiction in this judicial district. Apple sells and distributes infringing devices through a retail store in Newark, Delaware. Apple directly and/or through third-parties manufactures or assembles products that are and have been offered for sale, sold, purchased, and used within the state of Delaware. In addition, Apple directly and through its

distribution networks regularly places its products within the stream of commerce, with the knowledge and/or understanding that such products will be sold in Delaware. Thus, Apple has purposefully availed itself of the benefits of the State of Delaware and the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b).

THE PATENTS

6. Cequent is in the business of developing, patenting and licensing software products for telephonic communications through carriers and handset manufacturers as well as directly to consumers. Cequent has invested in the development and marketing of products for mobile handsets, including the Blackberry, Windows Mobile and Android platforms, such as its CITY ID® product, which provides for the installation, use and updating of software that provides geographic information on incoming calls.

7. Cequent is the assignee of U.S. Patent No. 7,200,212 (“the ‘212 Patent”), entitled “Decoding and processing system for advanced determination and display of city and state caller information,” issued April 3, 2007 to Mark Gosselin. A copy of the ‘212 Patent is attached as Exhibit A.

8. Cequent is the assignee of U.S. Patent No. 6,353,664 (“the ‘664 Patent”), entitled “Caller ID equipment which displays location of caller,” issued March 5, 2002 to Joseph M. Cannon, James A. Johanson and Richard Lawrence McDowell. A copy of the ‘664 Patent is attached as Exhibit B.

CLAIM FOR PATENT INFRINGEMENT

9. Cequent repeats and incorporates herein the entirety of the allegations above.

10. Apple has directly infringed and continues to directly infringe the '212 Patent, including at least claims 1-4 thereof, and the '664 Patent, including at least claims 1, 5, 6, 9, 10, 13-16, and 19-21 thereof, by importing, making, having made, using, selling, and offering for sale, in this judicial district and others, iPhones equipped with the iOS 5.0 operating system and by using, selling and offering for sale upgrades to previously sold iPhones that enable the iPhones to use iOS 5.0 and its features.

11. Users of iPhones equipped with the iOS 5.0 operating system have directly infringed and continue to directly infringe the '212 Patent, including at least claims 1-4 thereof, and the '664 Patent, including at least claims 1, 5, 6, 9, 10, 13-16, and 19-21 thereof, by using, in this judicial district and others, iPhones equipped with the iOS 5.0 operating system.

12. Apple has and continues to actively induce infringing use by users of iPhones equipped with the iOS 5.0 operating system.

13. Apple has and continues to indirectly infringe the '212 Patent, including at least claims 1-4 thereof, and the '664 Patent, including at least claims 1, 5, 6, 9, 10, 13-16, and 19-21 thereof, by importing, selling and offering for sale, in this judicial district and others, components of the patented systems and material for use in practicing the patented methods that constitute material parts of the inventions. Apple knows that its components and materials are especially made and especially adapted for use in an infringement of the '212 Patent and the '664 Patent, and are not staple articles or commodities of commerce suitable for substantial noninfringing use.

14. Apple announced the newest version of its iPhone operating system, iOS 5.0, in June 2011. Based on publicly available materials, iOS 5.0 incorporates features, taught

by the '212 and '664 Patents, that display geographic information, including the city and state indicated by the caller's phone number, about incoming calls.

15. Cequint has been damaged by Apple's infringement of the '212 and '664 Patents in an amount to be shown at trial, and will be irreparably harmed unless Apple's infringing acts are enjoined by this Court.

16. On information and belief, Apple had knowledge of Cequint's '212 and '664 Patents before engaging in its infringing activity. Cequint has and continues to provide notice of its patent rights through marking of commercial embodiments of the '212 and '664 Patents. Despite its actual and/or constructive knowledge of Cequint's Patents, Apple has continued its infringing activity. Apple's infringement is therefore deliberate and willful.

JURY DEMAND

17. Cequint demands a trial by jury on all matters to which it is entitled to a trial by jury pursuant to Fed. R. Civ. Proc. 38.

PRAYER FOR RELIEF

WHEREFORE, Cequint prays for judgment against Apple and for the following relief:

A. Judgment that the '212 Patent and the '664 Patent are valid and enforceable, and that Apple infringes, directly and indirectly, each and every claim thereof;

B. An award of damages pursuant to 35 U.S.C. § 284 against Apple in an amount to be shown at trial sufficient to compensate Cequint for Apple's infringement, direct and indirect, of the '212 and '664 Patents;

C. A permanent injunction against Apple, its officers, employees and agents, together with its parent and subsidiary corporations, successors, assigns and all persons acting in

active concert or participation with them, including distributors and customers, enjoining them from continuing acts of infringement of the Patents-in-Suit;

- D. A determination that this is an exceptional case under 35 U.S.C. § 285 and an award to Cequent of its reasonable attorneys' fees, costs and expenses;
- E. An award of Cequent's costs and expenses as allowed by law; and
- F. Such other and further relief as this Court deems appropriate.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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