

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**ERICSSON INC. AND
TELEFONAKTIEBOLAGET LM ERICSSON,**

Plaintiffs,

v.

APPLE INC.

Defendant.

Civil Action No. 2:15-cv-288

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT

Plaintiffs Ericsson Inc. and Telefonaktiebolaget LM Ericsson (singularly or collectively, “Ericsson”) file this Original Complaint for Patent Infringement against Apple Inc. (“Apple”) and allege as follows:

NATURE OF THE ACTION

1. Apple infringes many of Ericsson’s patents through the manufacture and sale of its iPhone, iPad, and other products. Apple’s products infringe Ericsson’s patented innovations that relate to many different aspects of Apple’s products, including the user interfaces, the operating systems, the location services, the applications, the cellular connectivity, the wireless LAN connectivity, and the Bluetooth connectivity. As a whole, Ericsson’s patented inventions enable Apple to sell smaller, more efficient, more capable, and more appealing products.

2. The patents at issue in this lawsuit relate to Ericsson’s innovations on which Apple’s products rely to provide connectivity using cellular technology, wireless LAN technology, Bluetooth technology, and Thunderbolt technology. Although the patents at issue in

this lawsuit are not essential to any industry standard, they are nevertheless critical to the design, manufacture, and success of Apple's products.

3. For example, Ericsson created Bluetooth® wireless technology in 1994. Bluetooth is the global wireless standard enabling convenient, secure connectivity for an expanding range of devices and services. It exchanges data over short distances using radio transmissions and is an essential element for bringing everyday objects into the connected world. Ericsson's research and development of Bluetooth continued after creating the underlying technology, however, as Ericsson engineers designed power-efficient, space-saving, and economical innovations that allow Bluetooth technology to be included in mobile devices. These innovations, as well as other Ericsson patented inventions, are at issue in this lawsuit.

THE PARTIES

4. Since 1876, Ericsson has pioneered communications technology in pursuit of its mission to connect everyone, wherever they may be. The work of more than twenty-five thousand Ericsson research and development ("R&D") employees produced innovations fundamental to how phones, smartphones, and mobile devices connect seamlessly using cellular networks worldwide and offer a diverse and easy-to-use range of features and applications. As a result of its extensive research and development efforts, Ericsson has been awarded more than thirty-five thousand patents worldwide.

5. Ericsson is widely viewed as a leading innovator in the field of cellular communications. For more than three decades, Ericsson has pioneered development of the modern cellular network. Every major mobile network operator in the world buys solutions or services from Ericsson, which manages networks serving more than one billion subscribers

globally. Forty percent of all mobile calls are made through Ericsson systems. Ericsson's equipment is found in more than 180 countries.

6. Ericsson also is a world-leading innovator of wireless and wired communications technologies as a result of its decades of investment in R&D. Ericsson's inventions enable the communications capability of smartphones and other wireless devices around the world. Access to people and information is paramount in this fast-paced, information-driven environment, and Ericsson's innovations have helped shape how people gain access by enabling technologies such as GSM / GPRS / EDGE ("2G"), UMTS / WCDMA / HSPA(+) ("3G"), LTE ("4G"), Wi-Fi, and Bluetooth. Ericsson also has devoted R&D resources in innovating wired communications that enable faster and easier methods of connecting people.

7. The proliferation of smartphones demonstrates the importance of Ericsson's communication platform innovations. The iPhone is but one example of many beneficiaries of Ericsson's fundamental technologies. With more than two billion users of mobile telephony in the world, smartphones and other mobile devices with Ericsson's communication platform allow people to connect, increasing efficiency and improving users' experiences.

8. Ericsson has a long history of technical innovations, including the patents at issue in this lawsuit. Some of Ericsson's many accomplishments include:

- in 1878, Ericsson sold its first telephone;
- in 1977, Ericsson introduced the world's first digital telephone exchange;
- in 1981, Ericsson introduced its first mobile telephone system, NMT;
- in 1991, Ericsson launched 2G phones on the world's first 2G network;
- in 1994, Ericsson invented Bluetooth;
- in 2001, Ericsson made the world's first 3G call for Vodafone in the UK; and
- in 2009, Ericsson started the world's first 4G network and made the first 4G call.

9. Ericsson's innovation continues. Ericsson envisions a connected future, with more than three billion users and more than fifty billion connected devices, all of which will

require better networks and greater capacity. Ericsson's culture of innovations is reflected in its investment of over fifteen percent of budget in R&D annually, supporting its twenty-five thousand employees striving to create a more interconnected world. Protection of intellectual property is necessary to address those free riding on Ericsson's patented inventions, allowing Ericsson to continue innovating its remarkable technologies.

10. Plaintiff Ericsson Inc. is a Delaware corporation with its principal place of business at 6300 Legacy Drive, Plano, Texas 75024.

11. Plaintiff Telefonaktiebolaget LM Ericsson is a corporation organized under the laws of the Kingdom of Sweden with its principal place of business at Torshamnsgatan 21, Kista, 164 83, Stockholm, Sweden.

12. Defendant Apple is a California corporation, with its principal place of business at 1 Infinite Loop, M/S 38-3TX, Cupertino, California 95014. Apple designs, manufactures, uses, imports into the United States, sells, and/or offers for sale in the United States smartphones, tablets, and other mobile computing devices. Apple further offers other wireless communication devices, computers, tablet computers, digital media players, and headphones. Apple's devices are marketed, offered for sale, and/or sold throughout the United States, including within this District.

JURISDICTION AND VENUE

13. This is a civil action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. §§ 271 and 281-285. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

14. This Court has personal jurisdiction over Apple. Apple has continuous and systematic business contacts with the State of Texas. Apple, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), conducts its business extensively throughout Texas, by shipping, distributing, offering for sale, selling, and advertising (including the provision of an interactive web page) its products and/or services in the State of Texas and the Eastern District of Texas. Apple, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has purposefully and voluntarily placed one or more of its infringing products and/or services into the stream of commerce with the intention and expectation that they will be purchased and used by consumers in the Eastern District of Texas. These infringing products and/or services have been and continue to be purchased and used by consumers in the Eastern District of Texas. Apple has committed acts of patent infringement within the State of Texas and, more particularly, within the Eastern District of Texas. Apple also has directed communications in connection with its negotiations with Ericsson into the Eastern District of Texas. Jurisdiction over Apple in this matter is also proper inasmuch as Apple has voluntarily submitted itself to the jurisdiction of the courts by commencing litigations within the State of Texas, by registering with the Texas Secretary of State's Office to do business in the State of Texas, and by appointing a registered agent.

THE ERICSSON PATENTS

15. On March 14, 2000, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 6,037,798 ("the '798 Patent"), entitled "Line Receiver Circuit Having Termination Impedances with Transmission Gates Connected in Parallel," to Mats Hedberg as the named inventor after full and fair examination. Ericsson owns all rights to the '798 Patent

necessary to bring this action. A true and correct copy of the '798 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

16. On August 8, 2000, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 6,100,770 ("the '770 Patent"), entitled "MIS Transistor Varactor Device and Oscillator Using Same," to Andrej Litwin and Sven Erik Mattisson as the named inventors after full and fair examination. Ericsson owns all rights to the '770 Patent necessary to bring this action. A true and correct copy of the '770 Patent is attached hereto as Exhibit 2 and incorporated herein by reference.

17. On July 22, 2003, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 6,597,787 ("the '787 Patent"), entitled "Echo Cancellation Device For Cancelling Echos in a Transceiver Unit," to Ulf Lindgren, Mohan Misra, John Philipsson as the named inventors after full and fair examination. On November 25, 2003, the United States Patent Office duly and legally issued a Certificate of Correction for the specification and claims. Ericsson owns all rights to the '787 Patent necessary to bring this action. A true and correct copy of the '787 Patent is attached hereto as Exhibit 3 and incorporated herein by reference.

18. On December 19, 2006, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 7,151,430 ("the '430 Patent"), entitled "Method of and Inductor Layout for Reduced VCO Coupling," to Thomas Mattsson as the named inventor after full and fair examination. On December 18, 2007, the U.S. Patent and Trademark Office issued a Certificate of Correction correcting errors in the specification and the claims. Ericsson owns all rights to the '430 Patent necessary to bring this action. A true and correct copy of the '430 Patent is attached hereto as Exhibit 4 and incorporated herein by reference.

19. On August 25, 2009, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 7,580,683 (“the ’683 Patent”), entitled “Radio Transceiver on a Chip,” to Karl Håkan Torbjörn Gärdenfors, Sven Mattisson and Jacobus Cornelis Haartsen as the named inventors after full and fair examination. May 18, 2010, the United States Patent Office duly and legally issued a Certificate of Correction for the specification. Ericsson owns all rights to the ’683 Patent necessary to bring this action. A true and correct copy of the ’683 Patent is attached hereto as Exhibit 5 and incorporated herein by reference.

20. On January 7, 2014, the U.S. Patent and Trademark Office duly and legally issued U.S. Patent No. 8,626,086 (“the ’086 Patent”), entitled “Radio Transceiver on a Chip,” to Karl Håkan Torbjörn Gärdenfors, Sven Mattisson, and Jacobus Cornelis Haartsen as the named inventors after full and fair examination. On July 8, 2014, the U.S. Patent and Trademark Office issued a Certificate of Correction correcting errors in the specification and the drawings. Ericsson owns all rights to the ’086 Patent necessary to bring this action. A true and correct copy of the ’086 Patent is attached hereto as Exhibit 6 and incorporated herein by reference.

21. The ’798, ’770, ’787, ’430, ’683, and ’086 Patents are collectively referred to as the Ericsson Patents-in-Suit.

22. Ericsson is the sole and exclusive owner of all rights, title, and interest to the Ericsson Patents-in-Suit necessary to bring this action, including the right to recover past and future damages. Ericsson has owned all rights to the Ericsson Patents-in-Suit necessary to bring this action throughout the period of Apple’s infringement and still owns those rights to the Ericsson Patents-in-Suit. Apple is not currently licensed to practice the Ericsson Patents-in-Suit.

23. The Ericsson Patents-in-Suit are valid and enforceable.

24. Apple has imported into the United States, manufactured, used, marketed, offered for sale, and/or sold in the United States, smartphones, tablets, and other mobile communication devices, computers, digital media players, and accessories thereof that infringe the Ericsson Patents-in-Suit, or induce or contribute to the infringement of the Ericsson Patents-in-Suit.

25. Apple's accused devices which infringe one or more claims of the Ericsson Patents-in-Suit include, but are not limited to, Apple products with 2G, 3G, 4G, or LTE cellular capabilities, WiFi capabilities, Bluetooth capabilities, and other wireless and wired communication capabilities, including without limitation iPhone 6 Plus, iPhone 6, iPhone 5, iPhone 5s, iPhone 5c, and/or iPhone Accessories, iPad Air 2, iPad Air, iPad mini 3, iPad mini 2, iPad mini, and/or iPad Accessories, Thunderbolt Cable, iPod Touch 5G, Apple TV 3G ("the Apple Accused Products").

26. Apple has been placed on actual notice of at least some of the Ericsson Patents-in-Suit. At minimum, in accordance with 35 U.S.C. § 287, Apple has had knowledge of the Ericsson Patents-in-Suit at least as early as the filing of this Original Complaint and/or the date this Original Complaint was served upon Apple. Further, Apple has participated in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the Ericsson Patents-in-Suit, and upon information and belief, Apple had knowledge of the Ericsson Patents-in-Suit based on these discussions and any additional investigations of Ericsson's patent portfolio that Apple may have performed. Despite such notice, Apple continues to make, use, import into, market, offer for sale, and/or sell in the United States products that infringe the Ericsson Patents-in-Suit.

GENERAL ALLEGATIONS

27. Apple has directly and indirectly infringed and continues to directly and indirectly infringe each of the Ericsson Patents-in-Suit by engaging in acts constituting infringement under

35 U.S.C. § 271(a), (b), and/or (c), including but not necessarily limited to one or more of making, using, selling and offering to sell, in this District and elsewhere in the United States, and importing into the United States, the Apple Accused Products.

28. Apple is doing business in the United States and, more particularly, in this District by making, using, selling, importing, and/or offering for sale the Apple Accused Products that infringe the patent claims involved in this action or by transacting other business in this District.

COUNT I.

CLAIM FOR PATENT INFRINGEMENT OF THE '798 PATENT

29. Apple infringes, contributes to the infringement of, and/or induces infringement of the '798 Patent by making, using, selling, offering for sale, or importing into the United States, or by intending that others make, use, import into, offer for sale, or sell in the United States, products and/or methods covered by one or more claims of the '798 Patent including, but not limited to, smartphones, tablets, or other mobile communication devices, computers, digital media players, and accessories thereof, including but not limited to the Apple iPhone 5, iPhone 5s, iPhone 5c, iPad Air 2, iPad Air, iPad mini 3, iPad mini 2, and iPad mini. The accused devices that infringe one or more claims of the '798 Patent include, but are not limited to, at least the Apple Accused Products. Further discovery may reveal additional infringing products and/or models.

30. The Apple Accused Products infringe one or more claims of the '798 Patent. Apple makes, uses, sells, offers for sale, and/or imports in this District and elsewhere in the United States these devices and thus directly infringes the '798 Patent.

31. Apple indirectly infringes the '798 Patent, as provided in 35 U.S.C. § 271(b), by inducing infringement by others, such as manufacturers, resellers, developers, and customers,

and end-users, in this District and elsewhere in the United States. For example, manufacturers, resellers, developers, customers, and end-users of the Apple Accused Products directly infringe by making, using, selling, offering to sell, and/or importing the inventions claimed in the '798 patent. Apple has been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '798 Patent, and upon information and belief, Apple has had knowledge of the '798 Patent based on these discussions and any additional investigations of Ericsson's patent portfolio that Apple may have performed. Apple also received notice of the '798 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

32. Apple's affirmative acts of: manufacturing, selling, distributing and/or otherwise making available the Apple Accused Products, causing others to manufacture, sell, distribute, and/or make available the Apple Accused Products; and/or providing instructions, documentation, and/or other information regarding using the Apple Accused Products in the way Apple intends, including in-store technical support, online technical support, product manuals, online documents, and other information about the Apple Accused Products, to be manufactured, and providing instruction manuals for the Apple Accused Products induce Apple's manufacturers, resellers, developers, customers and/or end-users to make, use, sell, and/or offer to sell the Apple Accused Products in the way that Apple intends, in order to directly infringe the '798 Patent. Apple has performed and continues to perform these affirmative acts, with knowledge of the '798 Patent and with knowledge or willful blindness that the induced acts directly infringe the '798 Patent.

33. Apple also indirectly infringes the '798 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as manufactures, resellers, developers,

customers, and/or end-users, in this District and elsewhere in the United States. Apple has been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '798 Patent, and upon information and belief, Apple had knowledge of the '798 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may have performed. Apple also received notice of the '798 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

34. Apple's affirmative acts of selling and offering to sell, in this District and elsewhere in the United States, the Apple Accused Products and causing the Apple Accused Products to be manufactured, used, sold, and offered for sale, contribute to Apple's manufacturers, resellers, developers, customers, and/or end-users making or using, selling, and/or offering to sell the Apple Accused Products, such that the '798 Patent is directly infringed. The wireless communication capabilities of the Apple Accused Products are material, have no substantial non-infringing uses, and are known by Apple to be especially made or especially adapted for use in an infringement of the '798 Patent.

35. Apple's infringement of the '798 Patent has been and continues to be willful. Upon information and belief, Apple knew or should have known that it directly infringed and was causing others to directly infringe the '798 Patent. Apple has been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '798 Patent, and upon information and belief, Apple had knowledge of the '798 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may have performed. Apple also received notice of the '798 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

36. Apple's continued infringement of the '798 Patent has damaged and will continue to damage Ericsson.

COUNT II.

CLAIM FOR PATENT INFRINGEMENT OF THE '770 PATENT

37. Apple infringes, contributes to the infringement of, and/or induces infringement of the '770 Patent by making, using, selling, offering for sale, or importing into the United States, or by intending that others make, use, import into, offer for sale, or sell in the United States, products and/or methods covered by one or more claims of the '770 Patent including, but not limited to, smartphones, tablets, or other mobile communication devices, computers, digital media players, and accessories thereof, including but not limited to the Apple iPhone 6 Plus, iPhone 6, iPhone 5, iPhone 5s, iPhone 5c, iPad Air 2, iPad Air, iPad mini 3, iPad mini 2, iPad mini, iPod Touch 5G, and Apple TV 3G. The accused devices that infringe one or more claims of the '770 Patent include, but are not limited to, at least the Apple Accused Products. Further discovery may reveal additional infringing products and/or models.

38. The Apple Accused Products infringe one or more claims of the '770 Patent. Apple makes, uses, sells, offers for sale, and/or imports in this District and elsewhere in the United States these devices and thus directly infringes the '770 Patent.

39. Apple indirectly infringes the '770 Patent, as provided in 35 U.S.C. § 271(b), by inducing infringement by others, such as manufacturers, resellers, developers, and customers, and end-users, in this District and elsewhere in the United States. For example, manufacturers, resellers, developers, customers, and end-users of the Apple Accused Products directly infringe by making, using, selling, offering to sell, and/or importing the inventions claimed in the '770 patent. On information and belief, Apple has had knowledge of the '770 Patent at least since

Ericsson disclosed the '770 Patent to Apple in June 2012. Apple has also been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '770 Patent, and upon information and belief, Apple has had knowledge of the '770 Patent based on these discussions and any additional investigations of Ericsson's patent portfolio that Apple may have performed. Apple also received notice of the '770 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

40. Apple's affirmative acts of: manufacturing, selling, distributing and/or otherwise making available the Apple Accused Products, causing others to manufacture, sell, distribute, and/or make available the Apple Accused Products; and/or providing instructions, documentation, and/or other information regarding using the Apple Accused Products in the way Apple intends, including in-store technical support, online technical support, product manuals, online documents, and other information about the Apple Accused Products, to be manufactured, and providing instruction manuals for the Apple Accused Products induce Apple's manufacturers, resellers, developers, customers and/or end-users to make, use, sell, and/or offer to sell the Apple Accused Products in the way that Apple intends, in order to directly infringe the '770 Patent. Apple has performed and continues to perform these affirmative acts, with knowledge of the '770 Patent and with knowledge or willful blindness that the induced acts directly infringe the '770 Patent.

41. Apple also indirectly infringes the '770 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as manufactures, resellers, developers, customers, and/or end-users, in this District and elsewhere in the United States. On information and belief, Apple has had knowledge of the '770 Patent at least since Ericsson disclosed the '770 Patent to Apple in June 2012. Apple has also been involved in discussions with Ericsson

regarding Ericsson's patent portfolio, which includes the '770 Patent, and upon information and belief, Apple had knowledge of the '770 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may have performed. Apple also received notice of the '770 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

42. Apple's affirmative acts of selling and offering to sell, in this District and elsewhere in the United States, the Apple Accused Products and causing the Apple Accused Products to be manufactured, used, sold, and offered for sale, contribute to Apple's manufacturers, resellers, developers, customers, and/or end-users making or using, selling, and/or offering to sell the Apple Accused Products, such that the '770 Patent is directly infringed. The wireless communication capabilities of the Apple Accused Products are material, have no substantial non-infringing uses, and are known by Apple to be especially made or especially adapted for use in an infringement of the '770 Patent.

43. Apple's infringement of the '770 Patent has been and continues to be willful. Upon information and belief, Apple knew or should have known that it directly infringed and was causing others to directly infringe the '770 Patent. On information and belief, Apple has had knowledge of the '770 Patent at least since Ericsson disclosed the '770 Patent to Apple in June 2012. Apple has also been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '770 Patent, and upon information and belief, Apple had knowledge of the '770 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may have performed. Apple also received notice of the '770 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

44. Apple's continued infringement of the '770 Patent has damaged and will continue to damage Ericsson.

COUNT III.

CLAIM FOR PATENT INFRINGEMENT OF THE '787 PATENT

45. Apple infringes, contributes to the infringement of, and/or induces infringement of the '787 Patent by making, using, selling, offering for sale, or importing into the United States, or by intending that others make, use, import into, offer for sale, or sell in the United States, products and/or methods covered by one or more claims of the '787 Patent including, but not limited to, smartphones, tablets, or other mobile communication devices, computers, digital media players, and accessories thereof, including but not limited to the Apple iPhone 6 Plus and iPhone 6. The accused devices that infringe one or more claims of the '787 Patent include, but are not limited to, at least the Apple Accused Products. Further discovery may reveal additional infringing products and/or models.

46. The Apple Accused Products infringe one or more claims of the '787 Patent. Apple makes, uses, sells, offers for sale, and/or imports in this District and elsewhere in the United States these devices and thus directly infringes the '787 Patent.

47. Apple indirectly infringes the '787 Patent, as provided in 35 U.S.C. § 271(b), by inducing infringement by others, such as manufacturers, resellers, developers, and customers, and end-users, in this District and elsewhere in the United States. For example, manufacturers, resellers, developers, customers, and end-users of the Apple Accused Products directly infringe by making, using, selling, offering to sell, and/or importing the inventions claimed in the '787 patent. Apple has also been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '787 Patent, and upon information and belief, Apple has had

knowledge of the '787 Patent based on these discussions and any additional investigations of Ericsson's patent portfolio that Apple may have performed. Apple also received notice of the '787 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

48. Apple's affirmative acts of: manufacturing, selling, distributing and/or otherwise making available the Apple Accused Products, causing others to manufacture, sell, distribute, and/or make available the Apple Accused Products; and/or providing instructions, documentation, and/or other information regarding using the Apple Accused Products in the way Apple intends, including in-store technical support, online technical support, product manuals, online documents, and other information about the Apple Accused Products, to be manufactured, and providing instruction manuals for the Apple Accused Products induce Apple's manufacturers, resellers, developers, customers and/or end-users to make, use, sell, and/or offer to sell the Apple Accused Products in the way that Apple intends, in order to directly infringe the '787 Patent. Apple has performed and continues to perform these affirmative acts, with knowledge of the '787 Patent and with knowledge or willful blindness that the induced acts directly infringe the '787 Patent.

49. Apple also indirectly infringes the '787 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as manufactures, resellers, developers, customers, and/or end-users, in this District and elsewhere in the United States. Apple has also been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '787 Patent, and upon information and belief, Apple had knowledge of the '787 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may

have performed. Apple also received notice of the '787 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

50. Apple's affirmative acts of selling and offering to sell, in this District and elsewhere in the United States, the Apple Accused Products and causing the Apple Accused Products to be manufactured, used, sold, and offered for sale, contribute to Apple's manufacturers, resellers, developers, customers, and/or end-users making or using, selling, and/or offering to sell the Apple Accused Products, such that the '787 Patent is directly infringed. The wireless and wired communication capabilities of the Apple Accused Products are material, have no substantial non-infringing uses, and are known by Apple to be especially made or especially adapted for use in an infringement of the '787 Patent.

51. Apple's infringement of the '787 Patent has been and continues to be willful. Upon information and belief, Apple knew or should have known that it directly infringed and was causing others to directly infringe the '787 Patent. Apple has also been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '787 Patent, and upon information and belief, Apple had knowledge of the '787 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may have performed. Apple also received notice of the '787 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

52. Apple's continued infringement of the '787 Patent has damaged and will continue to damage Ericsson.

COUNT IV.

CLAIM FOR PATENT INFRINGEMENT OF THE '430 PATENT

53. Apple infringes, contributes to the infringement of, and/or induces infringement of the '430 Patent by making, using, selling, offering for sale, or importing into the United States, or by intending that others make, use, import into, offer for sale, or sell in the United States, products and/or methods covered by one or more claims of the '430 Patent including, but not limited to, accessories to smartphones, tablets, other mobile communication devices, computers, and digital media players including but not limited to the Apple Thunderbolt Cable. The accused devices that infringe one or more claims of the '430 Patent include, but are not limited to, at least the Apple Accused Products. Further discovery may reveal additional infringing products and/or models.

54. The Apple Accused Products infringe one or more claims of the '430 Patent. Apple makes, uses, sells, offers for sale, and/or imports in this District and elsewhere in the United States these devices and thus directly infringes the '430 Patent.

55. Apple indirectly infringes the '430 Patent, as provided in 35 U.S.C. § 271(b), by inducing infringement by others, such as manufacturers, resellers, developers, and customers, and end-users, in this District and elsewhere in the United States. For example, manufacturers, resellers, developers, customers, and end-users of the Apple Accused Products directly infringe by making, using, selling, offering to sell, and/or importing the inventions claimed in the '430 patent. On information and belief, Apple has had knowledge of the '430 Patent at least since Ericsson disclosed the '430 Patent to Apple in June 2012. Apple has also been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '430 Patent, and upon information and belief, Apple has had knowledge of the '430 Patent based on these

discussions and any additional investigations of Ericsson's patent portfolio that Apple may have performed. Apple also received notice of the '430 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

56. Apple's affirmative acts of: manufacturing, selling, distributing and/or otherwise making available the Apple Accused Products, causing others to manufacture, sell, distribute, and/or make available the Apple Accused Products; and/or providing instructions, documentation, and/or other information regarding using the Apple Accused Products in the way Apple intends, including in-store technical support, online technical support, product manuals, online documents, and other information about the Apple Accused Products, to be manufactured, and providing instruction manuals for the Apple Accused Products induce Apple's manufacturers, resellers, developers, customers and/or end-users to make, use, sell, and/or offer to sell the Apple Accused Products in the way that Apple intends, in order to directly infringe the '430 Patent. Apple has performed and continues to perform these affirmative acts, with knowledge of the '430 Patent and with knowledge or willful blindness that the induced acts directly infringe the '430 Patent.

57. Apple also indirectly infringes the '430 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as manufactures, resellers, developers, customers, and/or end-users, in this District and elsewhere in the United States. On information and belief, Apple has had knowledge of the '430 Patent at least since Ericsson disclosed the '430 Patent to Apple in June 2012. Apple has also been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '430 Patent, and upon information and belief, Apple had knowledge of the '430 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may have performed. Apple also received

notice of the '430 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

58. Apple's affirmative acts of selling and offering to sell, in this District and elsewhere in the United States, the Apple Accused Products and causing the Apple Accused Products to be manufactured, used, sold, and offered for sale, contribute to Apple's manufacturers, resellers, developers, customers, and/or end-users making or using, selling, and/or offering to sell the Apple Accused Products, such that the '430 Patent is directly infringed. The wireless and wired communication capabilities of the Apple Accused Products are material, have no substantial non-infringing uses, and are known by Apple to be especially made or especially adapted for use in an infringement of the '430 Patent.

59. Apple's infringement of the '430 Patent has been and continues to be willful. Upon information and belief, Apple knew or should have known that it directly infringed and was causing others to directly infringe the '430 Patent. On information and belief, Apple has had knowledge of the '430 Patent at least since Ericsson disclosed the '430 Patent to Apple in June 2012. Apple has also been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '430 Patent, and upon information and belief, Apple had knowledge of the '430 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may have performed. Apple also received notice of the '430 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

60. Apple's continued infringement of the '430 Patent has damaged and will continue to damage Ericsson.

COUNT V.

CLAIM FOR PATENT INFRINGEMENT OF THE '683 PATENT

61. Apple infringes, contributes to the infringement of, and/or induces infringement of the '683 Patent by making, using, selling, offering for sale, or importing into the United States, or by intending that others make, use, import into, offer for sale, or sell in the United States, products and/or methods covered by one or more claims of the '683 Patent including, but not limited to, smartphones, tablets, or other mobile communication devices, computers, digital media players, and accessories thereof, including but not limited to the Apple iPhone 6 Plus, iPhone 6, iPhone 5, iPhone 5s, iPhone 5c, iPad Air 2, iPad Air, iPad mini 3, iPad mini 2, iPad mini, iPod Touch 5G, and Apple TV 3G. The accused devices that infringe one or more claims of the '683 Patent include, but are not limited to, at least the Apple Accused Products. Further discovery may reveal additional infringing products and/or models.

62. The Apple Accused Products infringe one or more claims of the '683 Patent. Apple makes, uses, sells, offers for sale, and/or imports in this District and elsewhere in the United States these devices and thus directly infringes the '683 Patent.

63. Apple indirectly infringes the '683 Patent, as provided in 35 U.S.C. § 271(b), by inducing infringement by others, such as manufacturers, resellers, developers, and customers, and end-users, in this District and elsewhere in the United States. For example, manufacturers, resellers, developers, customers, and end-users of the Apple Accused Products directly infringe by making, using, selling, offering to sell, and/or importing the inventions claimed in the '683 patent. Apple has been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '683 Patent, and upon information and belief, Apple has had knowledge of the '683 Patent based on these discussions and any additional investigations of

Ericsson's patent portfolio that Apple may have performed. Apple also received notice of the '683 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

64. Apple's affirmative acts of: manufacturing, selling, distributing and/or otherwise making available the Apple Accused Products, causing others to manufacture, sell, distribute, and/or make available the Apple Accused Products; and/or providing instructions, documentation, and/or other information regarding using the Apple Accused Products in the way Apple intends, including in-store technical support, online technical support, product manuals, online documents, and other information about the Apple Accused Products, to be manufactured, and providing instruction manuals for the Apple Accused Products induce Apple's manufacturers, resellers, developers, customers and/or end-users to make, use, sell, and/or offer to sell the Apple Accused Products in the way that Apple intends, in order to directly infringe the '683 Patent. Apple has performed and continues to perform these affirmative acts, with knowledge of the '683 Patent and with knowledge or willful blindness that the induced acts directly infringe the '683 Patent.

65. Apple also indirectly infringes the '683 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as manufactures, resellers, developers, customers, and/or end-users, in this District and elsewhere in the United States. Apple has been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '683 Patent, and upon information and belief, Apple had knowledge of the '683 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may have performed. Apple also received notice of the '683 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

66. Apple's affirmative acts of selling and offering to sell, in this District and elsewhere in the United States, the Apple Accused Products and causing the Apple Accused Products to be manufactured, used, sold, and offered for sale, contribute to Apple's manufacturers, resellers, developers, customers, and/or end-users making or using, selling, and/or offering to sell the Apple Accused Products, such that the '683 Patent is directly infringed. The wireless communication capabilities of the Apple Accused Products are material, have no substantial non-infringing uses, and are known by Apple to be especially made or especially adapted for use in an infringement of the '683 Patent.

67. Apple's infringement of the '683 Patent has been and continues to be willful. Upon information and belief, Apple knew or should have known that it directly infringed and was causing others to directly infringe the '683 Patent. Apple has been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '683 Patent, and upon information and belief, Apple had knowledge of the '683 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may have performed. Apple also received notice of the '683 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

68. Apple's continued infringement of the '683 Patent has damaged and will continue to damage Ericsson.

COUNT VI.

CLAIM FOR PATENT INFRINGEMENT OF THE '086 PATENT

69. Apple infringes, contributes to the infringement of, and/or induces infringement of the '086 Patent by making, using, selling, offering for sale, or importing into the United States, or by intending that others make, use, import into, offer for sale, or sell in the United

States, products and/or methods covered by one or more claims of the '086 Patent including, but not limited to, smartphones, tablets, or other mobile communication devices, computers, digital media players, and accessories thereof, including but not limited to the Apple iPhone 6 Plus, iPhone 6, iPhone 5, iPhone 5s, iPhone 5c, iPad Air 2, iPad Air, iPad mini 3, iPad mini 2, iPad mini, iPod Touch 5G, and Apple TV 3G. The accused devices that infringe one or more claims of the '086 Patent include, but are not limited to, at least the Apple Accused Products. Further discovery may reveal additional infringing products and/or models.

70. The Apple Accused Products infringe one or more claims of the '086 Patent. Apple makes, uses, sells, offers for sale, and/or imports in this District and elsewhere in the United States these devices and thus directly infringes the '086 Patent.

71. Apple indirectly infringes the '086 Patent, as provided in 35 U.S.C. § 271(b), by inducing infringement by others, such as manufacturers, resellers, developers, and customers, and end-users, in this District and elsewhere in the United States. For example, manufacturers, resellers, developers, customers, and end-users of the Apple Accused Products directly infringe by making, using, selling, offering to sell, and/or importing the inventions claimed in the '086 patent. Apple has been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '086 Patent, and upon information and belief, Apple has had knowledge of the '086 Patent based on these discussions and any additional investigations of Ericsson's patent portfolio that Apple may have performed. Apple also received notice of the '086 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

72. Apple's affirmative acts of: manufacturing, selling, distributing and/or otherwise making available the Apple Accused Products, causing others to manufacture, sell, distribute,

and/or make available the Apple Accused Products; and/or providing instructions, documentation, and/or other information regarding using the Apple Accused Products in the way Apple intends, including in-store technical support, online technical support, product manuals, online documents, and other information about the Apple Accused Products, to be manufactured, and providing instruction manuals for the Apple Accused Products induce Apple's manufacturers, resellers, developers, customers and/or end-users to make, use, sell, and/or offer to sell the Apple Accused Products in the way that Apple intends, in order to directly infringe the '086 Patent. Apple has performed and continues to perform these affirmative acts, with knowledge of the '086 Patent and with knowledge or willful blindness that the induced acts directly infringe the '086 Patent.

73. Apple also indirectly infringes the '086 Patent, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement by others, such as manufactures, resellers, developers, customers, and/or end-users, in this District and elsewhere in the United States. Apple has been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '086 Patent, and upon information and belief, Apple had knowledge of the '086 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may have performed. Apple also received notice of the '086 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

74. Apple's affirmative acts of selling and offering to sell, in this District and elsewhere in the United States, the Apple Accused Products and causing the Apple Accused Products to be manufactured, used, sold, and offered for sale, contribute to Apple's manufacturers, resellers, developers, customers, and/or end-users making or using, selling, and/or offering to sell the Apple Accused Products, such that the '086 Patent is directly

infringed. The wireless communication capabilities of the Apple Accused Products are material, have no substantial non-infringing uses, and are known by Apple to be especially made or especially adapted for use in an infringement of the '086 Patent.

75. Apple's infringement of the '086 Patent has been and continues to be willful. Upon information and belief, Apple knew or should have known that it directly infringed and was causing others to directly infringe the '086 Patent. Apple has been involved in discussions with Ericsson regarding Ericsson's patent portfolio, which includes the '086 Patent, and upon information and belief, Apple had knowledge of the '086 Patent based on these discussions and any additional investigations of Ericsson's portfolio that Apple may have performed. Apple also received notice of the '086 Patent at least as of the date this lawsuit was filed and/or the date this Original Complaint was served upon Apple.

76. Apple's continued infringement of the '086 Patent has damaged and will continue to damage Ericsson.

DAMAGES

77. As a result of Apple's acts of infringement, Ericsson has suffered actual and consequential damages; however, Ericsson does not yet know the full extent of the infringement and its extent cannot be ascertained except through discovery and special accounting. To the fullest extent permitted by law, Ericsson seeks recovery of damages at least for reasonable royalties, unjust enrichment, and benefits received by Apple as a result of using the misappropriated technology. Ericsson further seeks any other damages to which Ericsson is entitled under law or in equity.

ATTORNEYS' FEES

78. Ericsson is entitled to recover reasonable and necessary attorneys' fees under applicable law.

DEMAND FOR JURY TRIAL

Ericsson hereby demands a jury trial on its claims for patent infringement.

PRAYER FOR RELIEF

WHEREFORE, Ericsson respectfully requests that this Court enter judgment in its favor and grant the following relief:

- A. Adjudge that Apple infringes the Ericsson Patents-in-Suit;
- B. Adjudge that Apple's infringement of the Ericsson Patents-in-Suit was willful, and that Apple's continued infringement of these patents is willful;
- C. Award Ericsson damages in an amount adequate to compensate Ericsson for Apple's infringement of the Ericsson Patents-in-Suit, but in no event less than a reasonable royalty under 35 U.S.C. § 284;
- D. Award enhanced damages pursuant to 35 U.S.C. § 284;
- E. Award Ericsson pre-judgment and post-judgment interest to the full extent allowed under the law, as well as its costs;
- F. Enter an injunction enjoining Apple, and all others in active concert with Apple, from further infringement of the patents-in-suit;
- G. In lieu of an injunction, award a mandatory future royalty payable on each future product sold by Apple that is found to infringe one or more of the patents asserted herein, and on all future products which are not colorably different from products found to infringe;

- H. Enter an order finding that this is an exceptional case and awarding Ericsson its reasonable attorneys' fees pursuant to 35 U.S.C. § 285;
- I. Order an accounting of damages;
- J. Award Ericsson its costs of suit; and
- K. Award such other relief as the Court may deem appropriate and just under the circumstances.

Dated: February 26, 2015.

Respectfully submitted,

McKool Smith, P.C.

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