

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

ZIPIT WIRELESS, INC.,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC.

Defendant.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Zipit Wireless, Inc., for its Complaint against Defendant LG Electronics U.S.A., Inc., alleges as follows:

**INTRODUCTION**

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

**THE PARTIES**

2. Plaintiff, Zipit Wireless, Inc. (hereinafter “Zipit”) is a Delaware Corporation with a principal place of business located at 101 North Main Street, Suite 201, Greenville, South Carolina 29601.

3. On information and belief, Defendant LG Electronics U.S.A., Inc. (“LGEUS”) is a Delaware Corporation with its principal place of business at 910 Sylvan Avenue, Englewood Cliffs, New Jersey, 07632.

4. On July 23, 2018, Zipit sued LGEUS's parent company, LG Electronics, Inc. ("LGEKR"), in the District of South Carolina for infringement of U.S. Patent No. 7,292,870 and U.S. Patent No. 7,894,837. LGEKR moved to dismiss Zipit's complaint for lack of personal jurisdiction or, alternatively, to transfer the case to the Northern District of California (despite having no offices there). The South Carolina court denied LGEKR's motions without prejudice, granting LGEKR leave to refile its motion after the parties conducted jurisdictional discovery. In its reply brief in support of its motion, LGEKR stated that LGEUS is the "true defendant in this case," and that New Jersey is a proper venue given that LGEUS is headquartered in this District. *Zipit Wireless, Inc. v. LG Electronics, Inc.*, No. 6:18-cv-02016-JMC (D.S.C.), Dkt. 46 at 8 n.4.

#### **JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction over all causes of action set forth herein pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. §271 *et seq.*

6. LGEUS is in the business of supplying instant messaging devices, such as smartphones, in the United States.

7. LGEUS has solicited business in the State of New Jersey, transacted business within the State of New Jersey and attempted to derive financial benefit from residents of the State of New Jersey, including benefits directly related to the instant patent infringement cause of action set forth herein.

8. LGEUS has made, used, sold, offered for sale, and/or imported mobile phones and/or has placed such phones into the stream of commerce, which phones have been offered for sale, sold, and/or used in the State of New Jersey and this judicial district.

9. At the time of filing of this Complaint, LGEUS's smartphones are available for purchase by consumers in the State of New Jersey, including within this judicial district.

10. On information and belief, LGEUS has made, used, sold, offered for sale, and/or imported wireless mobile communication devices that are alleged herein to infringe one or more of the patents set forth herein, and/or has placed such devices into the stream of commerce, which devices have been made, offered for sale, sold, and/or used in the State of New Jersey and within this judicial district.

11. LGEUS sells products in this judicial district that are accused of infringement in this Complaint.

12. LGEUS is subject to personal jurisdiction in the State of New Jersey and in this judicial district.

13. LGEUS is subject to personal jurisdiction in the State of New Jersey by virtue of the fact that its headquarters and its principal place of business are located in the State of New Jersey. LGEUS is also subject to personal jurisdiction under the provisions of the New Jersey Long Arm Statute by virtue of the fact that, upon information and belief, LGEUS has availed itself of the privilege of conducting and soliciting business within this State, including engaging in at least some of the infringing activities in this State, as well as by others acting as LGEUS's agents and/or representatives, such that it would be reasonable for this Court to exercise

jurisdiction consistent with principles underlying the U.S. Constitution, and the exercise of jurisdiction by this Court would not offend traditional notions of fair play and substantial justice.

14. On information and belief, LGEUS has also established minimum contacts with this judicial district and regularly transacts and does business within this district, including advertising, promoting and selling products over the Internet, through intermediaries, representatives and/or agents located within this judicial district, that infringe Plaintiff Zipit's patents, which products are then sold and/or shipped directly to citizens residing within this State and in this judicial district. Upon further information and belief, LGEUS has purposefully directed activities at citizens of this State including those located within this judicial district.

15. On information and belief, LGEUS has purposefully and voluntarily placed its products into the stream of commerce with the expectation that they will be purchased and used by customers located in the State of New Jersey. On information and belief, LGEUS's customers in the State of New Jersey have purchased and used and continue to purchase and use LGEUS's products.

16. This Court has personal jurisdiction over Defendant under the long arm statute of the State of New Jersey because: (i) Defendant has and continues to intentionally sell products and methods, including the infringing methods, to customers in New Jersey; (ii) Defendant has and continues to intentionally instruct customers and potential customers in New Jersey with respect to how to use the products and methods that Defendant sells to customers in New Jersey; (iii) Defendant knows and has known its products and methods, including the infringing methods, have and continue to be sold and marketed in New Jersey; (iv) Defendant knows and has known that its manufactured products and methods will enter the United States of America and the State of New

Jersey; (v) Defendant has and continues to target customers and potential customers in New Jersey to buy and/or use Defendant's products and methods, including the infringing methods; (vi) Defendant has and continues to provide advice to customers in New Jersey; (vii) it has been and continues to be foreseeable that Defendant's products and methods, including the infringing methods, would enter the State New Jersey; (viii) Defendant has and continues to market to citizens of New Jersey through its website [www.lg.com/us](http://www.lg.com/us), which is copyrighted 2009-2020 by LG Electronics; (ix) Defendant has and continues to provide services to citizens of New Jersey through its through website; (x) Defendant derives substantial revenue from New Jersey; (xi) New Jersey has and continues to be part of Defendant's established distribution channels; (xii) the assertion of personal jurisdiction over Defendant is reasonable and fair; (xiii) and the State of New Jersey has an interest in this matter due to the presence of Defendant's products and methods, including the infringing methods, in the State of New Jersey.

17. This Court also has personal jurisdiction over Defendant as: (i) Defendant maintains a regular and established place of business, its headquarters, in the State of New Jersey; (ii) Defendant transacts business in the State of New Jersey; (iii) Defendant maintains regular and systematic business contacts with the State of New Jersey and within this judicial district and division; (iv) Defendant purposely, regularly, and continuously conducts business in the State of New Jersey and within this judicial district and division; (v) Defendant knowingly places its infringing products in the stream of commerce knowing, expecting, and intending for its infringing products to be offered for sale, sold, purchased, and used by residents of State of New Jersey and within this judicial district and division; (vi) Defendant knowingly places its infringing products in the stream of commerce knowing, expecting, and intending for materials supporting it infringing

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