

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Civil Action No.1:20-cv-20813-RNS

SISVEL INTERNATIONAL S.A.,
3G LICENSING S.A.,

Plaintiffs,

v.

BLU PRODUCTS, INC.,

Defendant.

JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Sisvel International S.A. and 3G Licensing S.A. (collectively, “Plaintiffs”), for their Amended Complaint against Defendant BLU Products, Inc. (“BLU” or “Defendant”), alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Sisvel International S.A. (“Sisvel”) is an entity organized under the laws of Luxembourg with a place of business at 6, Avenue Marie Thérèse, 2132 Luxembourg, Grand Duchy of Luxembourg.

3. 3G Licensing S.A. (“3G Licensing”) is also an entity organized under the laws of Luxembourg with a place of business at 6, Avenue Marie Thérèse, 2132 Luxembourg, Grand Duchy of Luxembourg.

4. Founded in Italy in 1982, Sisvel is a world leader in fostering innovation and managing intellectual property. Sisvel works with its partners offering a comprehensive approach to patent licensing: from issuing initial calls for essential patents; facilitating discussions among stakeholders; developing multiparty license agreements; executing and administering licenses; to collecting and distributing royalties. At the same time, Sisvel actively promotes a culture of respect and understanding of the intellectual property and innovation ecosystem through, for example, its regular presence at the key consumer electronics trade fairs and intellectual property events, participation in policy discussions and conferences, as well as open dialogues with a number of government bodies, standard-setting organizations and industry associations.

5. In early 2016, Sisvel initiated licensing activities in North America via its U.S. subsidiary, Sisvel US Inc.

6. A subsidiary of the Sisvel Group founded in 2015, 3G Licensing, is an intellectual property company operating in the consumer electronics and telecommunications industry. The company is composed of specialists with an extensive experience in administering licensing programs on behalf on behalf of third-party companies and organizations.

7. Upon information and belief, Defendant is a corporation organized and existing under the laws of Florida, with its principal place of business at 10814 NW 33rd St., Building 100, Doral, Florida 33172.

8. Defendant maintains a registered agent for service of process in Florida, Bernard L. Egozi, at 2999 NE 191st Street, Number 407, Aventura, Florida 33180. Upon information and belief, Defendant sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that enter into the stream of

commerce and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

9. This Court has jurisdiction over the subject matter jurisdiction of this case under 28 U.S.C. §§ 1331 (federal question) and 1338(a) (patent law – 35 U.S.C. § 101, *et seq.*).

10. This Court has personal jurisdiction over Defendant, because Defendant has sufficient minimum contacts within the State of Florida and this District, pursuant to due process, as Defendant has purposefully availed itself of the privileges of conducting business in the State of Florida by regularly conducting and soliciting business within the State of Florida and within this District, and because Plaintiffs' causes of action arise directly from Defendant's business contacts and other activities in the State of Florida and this District. Further, this Court has personal jurisdiction over Defendant because it is incorporated in the State of Florida and has purposely availed itself of the privileges and benefits of the laws of the State of Florida.

11. Venue is proper in this judicial district under 28 U.S.C. § 1400(b) as Defendant is incorporated in the State of Florida and has a regular and established place of business in this District at 10814 NW 33rd St., Building 100, Doral, Florida 33172.

ACCUSED INSTRUMENTALITIES

12. Defendant makes, uses, sells and offers for sale, provides, and causes to be used, now and within the past six years, the Vivo Series, Grand Series, Studio Series, and Zoey Series of cellular devices ("Accused Instrumentalities"), among other such devices.

13. Defendant advertises that the Vivo Series of products are compliant with the 2G, 3G and 4G/LTE cellular network standards (*See* product information for the Vivo Series of products, attached hereto as Exhibit 1).

14. Defendant advertises that the Grand Series of products are compliant with the 2G, 3G and 4G/LTE cellular network standards (*See* product information for the Grand Series of products, attached hereto as Exhibit 2.

15. Defendant advertises that the Studio Series of products are compliant with the 2G and 3G cellular network standards (*See* product information for the Studio Series of products, attached hereto as Exhibit 3.

16. Defendant advertises that the Zoey Series of products are compliant with the 2G and 3G cellular network standards (*See* product information for the Zoey Series of products, attached hereto as Exhibit 4.

BACKGROUND

17. Plaintiffs are the owners by assignment of a portfolio of patents, including the twelve patents described in detail in the counts below (collectively, the “Asserted Patents”), that relate to technology for cellular communications networks, including variations or generations of cellular communication network technology such as, but not limited to 2G, 3G, and 4G/LTE.

18. Cellular communication network technology is used to provide data transmission across mobile cellular networks.

19. U.S. Patent Nos. 6,529,561 (“the ’561 patent”), 7,433,698 (“the ’698 patent”), 8,364,196 (“the ’196 patent”), 7,751,803 (“the ’803 patent”), and 7,894,443 (“the ’443 patent”) were assigned to Nokia Corporation either directly from the inventors or through mergers. In 2011 the ’561, ’698, ’196, ’803, and the ’443 patents were assigned to a trust by Nokia Corporation. On April 10, 2012, Sisvel obtained ownership of the ’561, ’698, ’196, ’803, and the ’443 patents.

20. U.S. Patent Nos. 7,274,933 (“the ’933 patent”), 7,460,868 (“the ’868 patent”), 7,596,375 (“the ’375 patent”), 8,273,374 (“the ’374 patent”), 8,472,955 (“the ’955 patent”), 8,948,756 (“the ’756 patent”), and 8,897,503 (“the ’503 patent”) were assigned to Research in

Motion Ltd. from the inventors. Research in Motion Ltd. changed its name to Blackberry, Ltd. in 2013. On November 16, 2018, the '933, '868, '375, '374, '955, '756, and '503 patents were assigned to Provenance Asset Group LLC from Blackberry, Ltd. On April 5, 2019, Sisvel obtained ownership of the '933, '868, '375, '374, '955, '756, and '503 patents from Provenance Asset Group LLC. On July 11, 2019, Sisvel assigned the '933, '868, '375, '374, '955, '756, and '503 patents to 3G Licensing.

21. Sisvel and 3G Licensing are the rightful owners of the Asserted Patents and hold the entire right, title and interest in the Asserted Patents.

22. Sisvel first sent a letter to BLU on July 11, 2014, offering for BLU to license Sisvel's patents essential to cellular standards including 2G and 4G/LTE. The correspondence identified BLU products such as Vivo and Studio products that were covered by claims of Sisvel's patents. The July 11, 2014 correspondence attached a list of patents covering BLU's products including the '561 patent and the '803 patent.

23. During 2015 Sisvel sent additional correspondence to BLU regarding licensing of Sisvel's patents. On March 9, 2016 Sisvel sent correspondence to BLU again offering for BLU to license Sisvel's patents essential to cellular standards including 2G and 4G/LTE. The March 9, 2016 letter specifically identified the '803 patent and the '196 patent as patents for which BLU's products required a license. Sisvel sent followup letters to BLU on June 1, 2016 and December 6, 2016.

24. On March 22, 2018 Sisvel sent additional correspondence to BLU regarding licensing of Sisvel's patents and referencing prior communications. The March 22, 2018 letter included links to Sisvel's website, which specifically identified the '698 patent, the '196 patent, the '803 patent, and the '443 patent. Following the March 22, 2018 letter, Sisvel and BLU engaged

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