

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

ZIPIT WIRELESS, INC.,

Plaintiff,

v.

LG ELECTRONICS, INC.

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Zipit Wireless, Inc., for its Complaint against Defendant LG Electronics, 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, Inc., is a Korean corporation having a place of business at LG Twin Towers 20, Yeouido-dong, Yeongdeunspo-gu, Seoul, 150-721, Republic of Korea.

4. On information and belief, Defendant LG Electronics, Inc. owns and controls, directly and indirectly, LG Electronics Mobilecomm U.S.A., Inc.

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. This Court has personal jurisdiction over Defendant under the long arm statute of the State of South Carolina because: (i) Defendant has and continues to intentionally sell products and methods, including the infringing methods, to customers in South Carolina; (ii) Defendant has and continues to intentionally instruct customers and potential customers in South Carolina with respect to how to use the products and methods that Defendant sells to customers in South Carolina; (iii) Defendant knows and has known its products and methods, including the infringing methods, have and continue to be sold and marketed in South Carolina; (iv) Defendant knows and has known that its manufactured products and methods will enter the United States of America and the State of South Carolina; (v) Defendant has and continues to target customers and potential customers in South Carolina 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 South Carolina; (vii) it has been and continues to be foreseeable that Defendant's products and methods, including the infringing methods, would enter the State South Carolina; (viii) Defendant has and continues to market to citizens of South Carolina through its website www.lg.com/us, which is copyrighted 2009-2018 by LG Electronics; (ix) Defendant has and continues to provide services to citizens of South Carolina through its through website; (x) Defendant derives substantial revenue from South

Carolina; (xi) South Carolina has and continues to be part of Defendant's established distribution channels; (xii) there is a chain of imputation from Defendant to LG Electronics Mobilecomm U.S.A., Inc.; (xiii) LG Electronics Mobilecomm U.S.A., Inc. is an agent of Defendant; (xiv) Defendant exercises control over LG Electronics Mobilecomm U.S.A., Inc.; (xv) Defendant directs LG Electronics Mobilecomm U.S.A., Inc., Defendant's agent and distributor, to take action in South Carolina; (xvi) LG Electronics Mobilecomm U.S.A., Inc. is the alter ego of Defendant; (xvii) LG Electronics Mobilecomm U.S.A., Inc.'s profits flow to Defendant; (xviii) the assertion of personal jurisdiction over Defendant is reasonable and fair; (xix) the State of South Carolina has an interest in this matter due to the presence of Defendant's products and methods, including the infringing methods, in the State of South Carolina; and (xx) the State of South Carolina has an interest in this matter because Plaintiff is, and always has been, based in South Carolina.

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

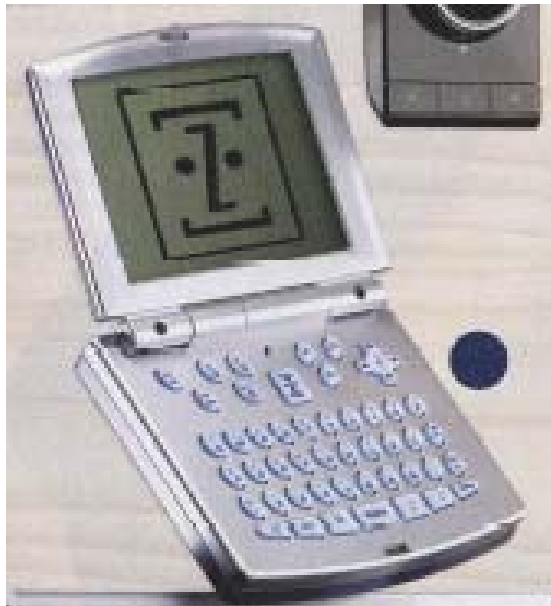
purposefully directs its activities at residents of the State of South Carolina; (vii) the cause of action set forth herein arises out of or relates to the Defendant's activities in the State of South Carolina; and (viii) the exercise of jurisdiction over Defendant will not offend the traditional notions of fair play and substantial justice.

8. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §1331, §1338(a), §§1391(c)(3), and §1400(b).

BACKGROUND

Zipit's Technology

9. Zipit has and continues to offer for sale Wi-Fi based instant messaging solutions. Zipit's first product, the Zipit Wireless Messenger:



was introduced in 2004 and was sold through major retailers including Target, Best Buy, Radio Shack, and Amazon and received press coverage in the Chicago Tribune, the New York Times,

and many media outlets, as shown in Exhibit “G.”

10. In 2007, Zipit introduced its second-generation Wi-Fi based instant messaging device known as “Z2”:



11. In 2011, Zipit launched an enterprise messaging solution in conjunction with a major U.S. cellular carrier and is actively selling this solution into healthcare, hospitality, ems, manufacturing, utility, and government accounts. Zipit’s solution has been deployed in over 250 enterprise customers across the U.S. and Zipit’s customer base continues to grow monthly.

Zipit’s Awards And Notoriety

12. In 2005, *Time Magazine* awarded Zipit’s first Wi-Fi instant messaging device (“Zippy”) Time’s “The Most Amazing Inventions of 2005” Award:

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