

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOBILE TELECOMMUNICATIONS	§	
TECHNOLOGIES, LLC,	§	
	§	C.A. No.
Plaintiff,	§	
v.	§	JURY TRIAL REQUESTED
	§	
COX COMMUNICATIONS, INC.	§	
	§	
Defendants.	§	

PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Mobile Telecommunications Technologies, LLC (“MTel”), by and through its undersigned counsel, files this complaint against Cox Communications, Inc. (“Cox” or “Defendant”) for infringement of U.S. Patent Nos. 5,590,403 (the “403 Patent”), 5,659,891 (the “891 Patent”), and 5,915,210 (the “210 Patent”), (collectively, the “Asserted Patents” or the “Patents-in-Suit”) in accordance with 35 U.S.C. § 271 and alleges as follows:

PARTIES

1. Plaintiff MTel is a Delaware limited liability company having a principal place of business at 1720 Lakepointe Drive, Suite 100, Lewisville, TX 75057.
2. MTel is a wholly owned subsidiary of United Wireless Holdings Inc. (“United Wireless”). In 2008, United Wireless, through another of its wholly owned subsidiaries, Velocita Wireless LLC, purchased the SkyTel wireless network, including assets related to SkyTel’s more than twenty-year history as a wireless data company. Velocita Wireless LLC, continued to operate the SkyTel wireless data network after the acquisition. As a result of that transaction, United Wireless gained ownership and control over the intellectual property portfolio, including patents, that several SkyTel-related entities, including Mobile Telecommunication Technologies Corp. (“MTel Corp.”), Destineer Corp., and SkyTel

Communications, developed over the years. United Wireless subsequently assigned certain patent assets, including the Patents-in-Suit, together with all rights of recovery related to those patent assets, to its wholly owned subsidiary, MTel, which is the plaintiff here.

3. In a widely publicized November, 2014 jury trial, MTel was awarded favorable infringement and validity verdicts against Apple Inc. on the '403, '210, and '891 Patents.

4. MTel alleges, upon information and belief, that Cox is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 1400 Lake Hearn Drive, Atlanta, Georgia.

5. MTel alleges that Cox made, used, sold, and offered to sell, infringing wireless equipment and services, during the terms of the '403 Patent, the '210 Patent, and the '891 Patent (the "Relevant Period,") within the United States.

6. MTel alleges that Cox operated Wi-Fi networks within its customers' premises and at thousands of hotspots during the Relevant Period.

UNRIVALED INTERNET



Blazing Fast In-Home WiFi

Get access to the fastest in-home WiFi to surf, stream, game and more.



Double the Speed

The more speed the better. We're bringing you faster speeds at no extra cost—Up to 150 Mbps download!



WiFi Hotspots

Get access to over 400,000 WiFi hotspots when you travel with Cox High Speed InternetSM Preferred and higher packages.

<https://www.cox.com/residential/internet/internet-features.html>

7. Cox provided to its customers with customer-premises equipment, such as cable modems, wireless routers, and modem/wireless router gateways, which support IEEE 802.11 a, g, n or ac standards ("Wi-Fi Enabled CPE.")

8. MTel alleges that examples of Wi-Fi Enabled CPE that Cox provided to its customers include models made by ARRIS, Motorola, Ubee, Netgear, and Cisco (now Technicolor).

9. Cox leased for a monthly fee (or bundled into its monthly charge for Internet service) Wi-Fi Enabled CPE to customers.

10. Cox sold Wi-Fi Enabled CPE to customers.

11. Cox's specially trained technicians set up Wi-Fi Enabled CPE, created the network, and enabled the best settings for Wi-Fi Enabled CPE leased by customers. Cox also provided full support for Wi-Fi Enabled CPE leased by customers 24 hours a day, 7 days a week.

12. MTel alleges that Cox directed its customers who wished to purchase, as opposed to lease, Wi-Fi Enabled CPE to a list of Wi-Fi Enabled CPE that it authorized for use on its systems.

13. Cox controlled the features and functionality of Wi-Fi Enabled CPE used in the delivery of its high speed data service, regardless as to whether such Wi-Fi Enabled CPE was purchased or leased by the customer.

14. Cox controlled the features and functionality of Wi-Fi Enabled CPE used in the delivery of its high speed data service by, for instance, causing software (*e.g.* firmware or updates) to be downloaded to Wi-Fi Enabled CPE and otherwise making configuration changes to Wi-Fi Enabled CPE.

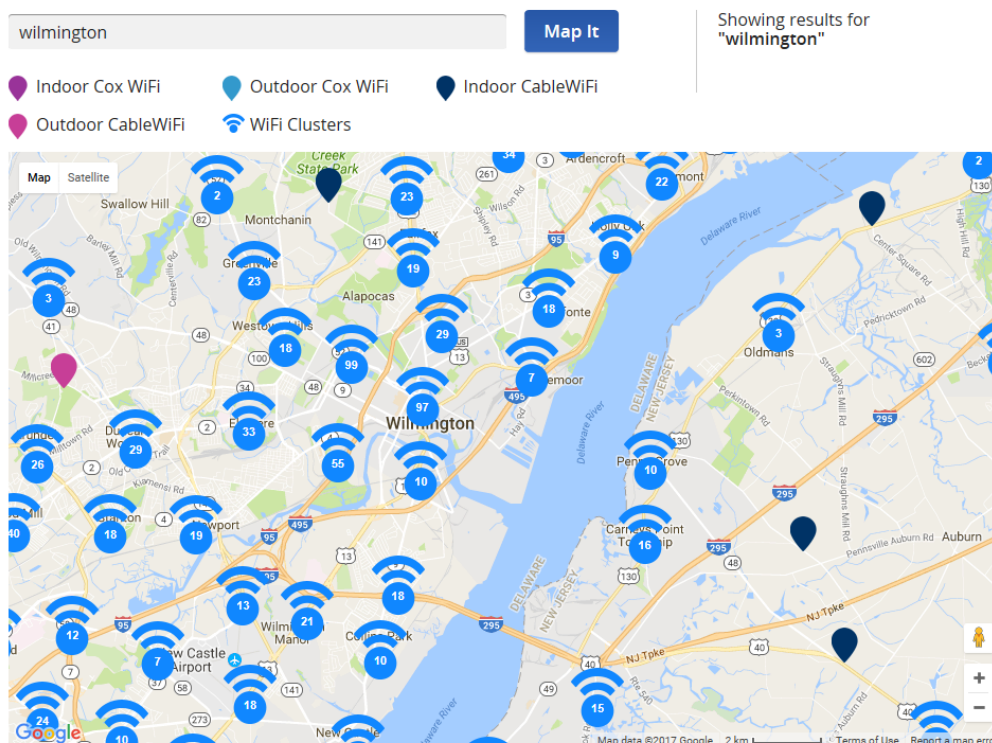
15. Cox provisioned and used Wi-Fi Enabled CPE in order to distribute to its customers its high speed data service, which it sold to its customers.

16. Cox sold wireless Internet service to its customers, including a service called “In-Home WiFi,” which enabled its customers to enjoy Cox’s wireless Internet access for all the Wi-Fi enabled devices in their homes.

17. Cox used Wi-Fi Enabled CPE in order to provide home security and automation service (e.g. Cox Homelife), which required customers also to subscribe to Cox high speed data service.

18. MTel alleges that Cox operated a public Wi-Fi service at tens of thousands of locations across the United States.

Find a WiFi Hotspot



<https://www.cox.com/aboutus/wifi-hotspot-map.html>

19. MTel alleges that Cox’s used wireless access points that support IEEE 802.11 a, g, n or ac standards (“Wi-Fi Enabled Access Points”) in the operation of its public Wi-Fi service, such as Cox WiFi Hotspots.

20. On information and belief, Cox was party to an agreement among Bright House Networks, Cablevision, Comcast, and Cox Communications that allowed each other's high-speed Internet customers to access hotspots that have the wireless network name "CableWiFi." See www.cablewifi.com.

21. Cox used its Wi-Fi Enabled Access Points to extend Wi-Fi service using the wireless network names: CoxWiFi and CableWiFi.

22. MTel alleges, upon information and belief, that during the Relevant Period, Cox used Wi-Fi Enabled Access Points to provide Wi-Fi service to customers within the range of at least 50,000 hotspots.

23. Cox used Wi-Fi Enabled CPE and Wi-Fi Enabled Access Points in order to provide its streaming TV service, known as Cox TV Connect, to customers' wireless devices, such as Apple and Android smartphones, on which Cox's applications ran.

24. Cox designed, delivered, tested, and installed both in its facilities and on its customers' networks, applications designed for Wi-Fi access networks, Wi-Fi Enabled CPE, and Wi-Fi Enabled Access Points.

25. MTel alleges that, during the Relevant Period, Cox made, used, sold, and offered to sell, wireless equipment and services, including In-Home WiFi, Cox WiFi, Wi-Fi Enabled CPE, and Wi-Fi Enabled Access Points, which directly infringed the claims of the '403 Patent, the '210 Patent, and the '891 Patent, within the United States.

26. MTel alleges that Cox made, used, sold, and offered to sell, systems and products that embodied the claimed methods of the Patents-in-Suit because, for instance, such systems and products employed certain subcarrier frequency structures in the IEEE 802.11 orthogonal frequency-division multiplexing ("OFDM") scheme or techniques consistent with the MIMO

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