

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

MOBILE TELECOMMUNICATIONS
TECHNOLOGIES, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO.,
LTD., SAMSUNG ELECTRONICS
AMERICA, INC., SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC.,

Defendants.

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Civil Action No. 2:15-cv-00183

JURY TRIAL REQUESTED

**PLAINTIFF MOBILE TELECOMMUNICATIONS
TECHNOLOGIES, LLC's ORIGINAL COMPLAINT**

Plaintiff Mobile Telecommunications Technologies, LLC ("MTel" or "Plaintiff") files this Complaint against Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC, (collectively, "Defendants" or "Samsung") for infringement of U.S. Patent Nos. 5,754,946 (the "'946 Patent"), U.S. Patent Nos. 5,809,428 (the "'428 Patent"), 5,81,804 (the "'804 Patent"), 5,590,403 (the "'403 Patent"), 5,915,210 (the "'210 Patent"), 5,659,891 (the "'891 Patent") (together the "Patents-in-Suit") pursuant to 35 U.S.C. § 271 and alleges as follows.

THE PARTIES

1. Plaintiff MTel is a Delaware limited liability company with its principal place of business at 1720 Lakepointe Drive, Suite 100, Lewisville, TX 75057.

2. MTel owns and controls a portfolio of patents developed by Mobile Telecommunications Technologies Corp. ("MTel Corp.") and its related entities, such as Destineer and SkyTel Communications.

3. MTel Corp. was a pioneer in wireless communications and is credited with launching the world's first two-way wireless data messaging service, dubbed SkyTel 2-Way. In 1993, the Federal Communications Commission awarded MTel Corp. a "Pioneer Preference" for its innovative 2-way data messaging network.

4. Samsung Electronics Co., Ltd., ("SEC") a Korean corporation, has its principal place of business at 416 Maetan-3dong, Yeongton-gu, Suwon-City, Gyeonggi-do 443-742, South Korea. SEC may be served with process pursuant to the Hague Convention.

5. Samsung Electronics America, Inc. ("SEA"), a New York corporation, has its principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660. SEA may be served with process via its registered agent The Corporation Trust Company, 820 Bear Tavern Road, West Trenton, NJ 08628.

6. Samsung Telecommunications America, LLC, ("STA") a limited liability company duly organized and existing under the laws of the state of Delaware, with its principal place of business at 1301 East Lookout Drive, Richardson, Texas 75082. Samsung may be served with process by serving Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218.

JURISDICTION AND VENUE

7. This is an action for patent infringement under the Patent Laws of the United States, Title 35 of the United States Code. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). Venue lies in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

8. This Court has personal jurisdiction over Samsung under the laws of the State of Texas, including the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE § 17.042.

9. Plaintiff incorporates all statements of jurisdiction in the preceding paragraphs. In addition to the continuous and systematic contacts that Samsung has with Texas, including the multi-billion dollar investment Samsung has made into manufacturing in Texas, the causes of action against Samsung in this Complaint arise from or are connected with purposeful acts committed by Samsung in Texas. Samsung has conducted and continues to conduct business within the State of Texas, directly or through intermediaries or agents, or offers for sale, sells, or advertises (including through the provision of interactive web pages) products or services, or uses or induces others to use products or services in Texas that infringe the '946 Patent, and the '506 Patent, or knowingly contributes to or induces infringement of the '428 Patent, the '946 Patent, and the '506 Patent.

THE PATENTS-IN-SUIT

10. On May 19, 1998, the USPTO duly and legally issued United States Patent No. 5,754,946 titled "Nationwide Communication System," after a full and fair examination. A true and correct copy of the '946 Patent is attached hereto as Exhibit A. Plaintiff is the assignee of all right, title and interest in and to the '946 Patent and possesses the exclusive right of recovery under the '946 Patent, including the exclusive right to recover for past and future damages for past and future infringement of the '946 Patent. The '946 Patent is valid and enforceable.

11. The '946 Patent describes and claims, among other things, devices and networks that provide for the transmission of unreceived portions of a message.

12. The United States Patent and Trademark Office ("USPTO") duly and legally issued on September 15, 1998, United States Patent No. 5,809,428, entitled "Method and Device for Processing Undelivered Data Messages in a Two-Way Wireless Communications System." A true and correct copy of the '428 Patent is attached hereto as Exhibit B. Plaintiff is the

assignee of all right, title, and interest in and to the '428 Patent and holds the exclusive right of recovery under the '428 Patent, including the exclusive right to recover for past and future infringement of the '428 Patent. The '428 Patent is valid and enforceable. Claims of the '428 Patent enjoy a statutory presumption of validity. 35 U.S.C. § 282.

13. The '428 Patent describes and claims, *inter alia*, methods, systems, and devices for reliable message transmission and storing undeliverable messages, such as “chat” and push messaging systems.

14. On December 3, 1996, the USPTO duly and legally issued United States Patent No. 5,581,804 titled “Nationwide Communication System,” after a full and fair examination. A true and correct copy of the '804 Patent is attached hereto as Exhibit C. Plaintiff is the assignee of all right, title and interest in and to the '804 Patent, including the exclusive right to recover for infringement of the '804 Patent. The '804 Patent is valid and enforceable.

15. The '804 Patent claims, *inter alia*, methods and systems which allow for rapid communication of large messages and efficient use of system resources.

16. On December 31, 1996, the USPTO duly and legally issued United States Patent No. 5,590,403, titled “Method and System for Efficiently Providing Two Way Communication Between a Central Network and Mobile Unit,” after a full and fair examination. A true and correct copy of the '403 Patent is attached hereto as Exhibit D. MTel is the assignee of all right, title and interest in and to the '403 Patent and possesses the exclusive right of recovery under the '403 Patent, including the exclusive right to recover for past and future infringement of the '403 Patent. The '403 Patent is valid and enforceable.

17. The '403 Patent discloses and claims, *inter alia*, a two-way communications system for communication between a system network and a mobile unit.

18. On August 19, 1997, the USPTO duly and legally issued United States Patent No. 5,659,891, titled “Multicarrier Techniques in Bandlimited Channels,” after a full and fair examination. A true and correct copy of the ’891 Patent is attached hereto as Exhibit E. MTel is the assignee of all right, title and interest in and to the ’891 Patent and possesses the exclusive right of recovery under the ’891 Patent, including the exclusive right to recover for past and future infringement of the ’891 Patent. The ’891 Patent is valid and enforceable.

19. The ’891 Patent discloses and claims, *inter alia*, using co-located transmitters to achieve higher transmission capacity for two-way digital communications.

20. On June 22, 1999, the USPTO duly and legally issued United States Patent No. 5,915,210, titled “Method and System for Providing Multicarrier Simulcast Transmission,” after a full and fair examination. A true and correct copy of the ’210 Patent is attached hereto as Exhibit F. MTel is the assignee of all right, title and interest in and to the ’210 Patent and possesses the exclusive right of recovery under the ’210 Patent, including the exclusive right to recover for past and future infringement of the ’210 Patent. The ’210 Patent is valid and enforceable.

21. The ’210 Patent discloses and claims, *inter alia*, a multi-carrier simulcast transmission system for transmitting in a desired frequency band.

INFRINGEMENT OF THE PATENTS-IN-SUIT

22. Plaintiff reincorporates Paragraphs 1 through 21 as though fully restated herein.

23. Samsung, without authorization or license, has directly and/or indirectly infringed multiple claims of the ’946 Patent, ’804 Patent, ’403 Patent, ’891 Patent, ’804 Patent, and ’210 Patent (together, the “Patents-in-Suit”) in violation of 35 U.S.C. § 271 as stated below. Samsung, without authorization or license, continues to directly and/or indirectly infringe

multiple claims of the '946 Patent, '804 Patent, '891 Patent, and '804 Patents. Samsung's infringement of the '403 Patent was willful at least since its knowledge of the patent. Samsung's infringement of the '946 Patent, '804 Patent, '891 Patent, and '804 Patents has been and will continue to be willful at least since its knowledge of the respective patents.

24. Samsung's customers are likewise direct infringers of the Patents-in-Suit when Samsung's customers use Samsung's products and services.

25. On November 17, 2014, MTel received a favorable jury verdict in *Mobile Telecomms. Techs., LLC v. Apple*, No. 2:13-CV-258-RSP (E.D. Tex.). See Verdict attached as Exhibit G. The jury in that case found the accused features of various accused Samsung devices infringed some of the same Patents-in-Suit asserted here. Samsung's devices and services contain similar features that are not meaningfully different from those found to be infringing in *Mobile Telecomms. Techs., LLC v. Apple*.

**FIRST CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 5,754,946)**

26. Plaintiff reincorporates Paragraphs 1 through 25 as though fully set forth herein.

27. Samsung, without authorization or license, has been and is now directly or indirectly infringing one or more claims of the '946 Patent in violation of 35 U.S.C. § 271, as stated below.

28. Samsung's customers and all end-users of Samsung's devices, equipment, products, or services are direct infringers of the '946 Patent.

29. Samsung has knowledge of the '946 Patent and will continue to act with an objectively high likelihood that its actions constitute infringement of that valid patent. Such infringement demonstrates a deliberate and conscious decision to infringe, or at least a reckless disregard of MTel's patent rights, entitling MTel to up to treble damages.

30. Samsung directly infringes and will continue to directly infringe by making, using, selling, offering to sell, and/or importing software and equipment in the United States that embody claims and/or practice the methods of the '946 Patent, including the Samsung "Galaxy" series of smartphones, tablets and phablets, such as all devices marketed under Note, PRO, and Tab brands; all Samsung mobile devices running version 5 (Lollipop) of the Android operating system or any other operating system with an email or messaging application that was not previously involved in *Mobile Telecommunications Technologies, LLC v. Samsung, Inc.*, Case 2:13-CV-259-RSP (E.D. Tex.); and all Samsung mobile devices running messaging services and other applications, such as web browsers.

31. The use by end users of messaging services and other applications that allow for message retransmission on the accused mobile devices and networks also directly infringes each of the claims of the '946 Patent. Samsung has and will continue to contribute to and induce the infringement of end users by intentionally instructing and otherwise encouraging infringement by end users by providing manuals and similar instructions on the operation of its mobile units and compatible messaging services and other applications that allow for message retransmission. For example, Samsung instructs end users on ways and methods of retrieving portions of web pages and other messages. The messaging features utilized by the mobile units to infringe the '946 Patent have no substantial non-infringing uses other than to operate as claimed by one or more claims of the '946 Patent. Samsung intentionally contributes to and induces direct infringement of the '946 Patent with knowledge that its actions constitute infringement of the '946 Patent since at least the filing or service of this action.

32. Samsung also intentionally encourages and instructs mobile network operators (*e.g.*, AT&T, Sprint, Verizon) and/or retailers to make, use, import, sell, and/or offer to sell

Samsung mobile devices and communication networks that Samsung knows infringe each claim of the '946 Patent. Samsung provides detailed instructions and support regarding how to operate mobile devices, communication networks, and network operation centers in manners that infringe the '946 Patent. Samsung also induces infringement by, for example, entering marketing and sales agreements and by providing components used in infringement, technical support, advertisements, marketing materials, instruction booklets, user guides, email services, Messaging Services, and/or service manuals.

33. Samsung has had knowledge of the '946 Patent since at least the filing of *Mobile Telecommunications Technologies, LLC v. Samsung, Inc.*, Case 2:13-CV-259-RSP (E.D. Tex.) or its service.

**SECOND CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 5,809,428)**

34. Plaintiff incorporates Paragraphs 1 through 33 as though fully set forth herein.

35. Samsung, without authorization or license, has been and is now directly or indirectly infringing one or more patent claims of the '428 Patent in violation of 35 U.S.C. § 271 as stated below.

36. Samsung's customers and all end-users of Samsung devices, equipment, products, or services are direct infringers of the '428 Patent.

37. Samsung has had knowledge of the '428 Patent since at least the filing of *Mobile Telecommunications Technologies, LLC v. Samsung, Inc.*, Case 2:13-CV-259-RSP (E.D. Tex.) or its service.

38. Samsung has knowledge of the '428 Patent and acts and will continue to act with an objectively high likelihood that its actions constitute infringement of that valid patent. Such

infringement demonstrates a deliberate and conscious decision to infringe, or at least a reckless disregard of MTel's patent rights, entitling MTel to up to treble damages.

39. Samsung has directly infringed, literally and/or under the doctrine of equivalents, and will continue to directly infringe each patent claim of the '428 Patent by making, using, selling, offering to sell, and/or importing in the United States network operation centers, including messaging servers and/or other networking components (*e.g.* push servers, Samsung's Smart Connectivity Solution (SCS) servers) and mobile units (*e.g.* Galaxy Note 4, Samsung Smart TVs, such as the UN55H6350, Samsung Link-compatible devices, Smart Home-compatible devices, Samsung Gear devices, Samsung Galaxy Series mobile devices) running messaging services (*e.g.* Google Chat/Hangouts, WhatsApp, Facebook, Google Cloud Messaging, Smart Connectivity SDK apps).

40. The use by end users of accused messaging services on the accused mobile units also practices the methods of the '428 Patent. Such use by the end users is direct patent infringement of the '428 Patent. Samsung has and will continue to contribute to and induce the infringement of end users by intentionally instructing and otherwise encouraging infringement and by providing infringing mobile units and compatible messaging services preinstalled and for installation after activation of Samsung-branded mobile devices. The messaging services and mobile devices have features relevant to the end users' direct infringement that have no substantially non-infringing uses other than to operate and perform as claimed by one or more claims of the '428 Patent. The Samsung-branded mobile devices are specially enabled for utilizing the messaging services. Samsung encourages end users to use the messaging services and intends the end users to use its mobile units enabled with at least one infringing messaging service as contemplated by the claims of the '428 Patent. Samsung intentionally contributes to

and induces direct infringement of the '428 Patent with knowledge that its actions constitute infringement of the '428 Patent since at least the filing or service of this action.

41. Samsung also intentionally encourages and instructs Mobile Network Operators (*e.g.*, AT&T, Sprint, Verizon) and/or retailers to make, use, import, sell, and/or offer to sell Samsung Android mobile devices that Samsung knows infringe each claim of the '428 Patent. Samsung provides detailed instructions and support regarding how to operate mobile devices and network operation centers in manners that infringe the '428 Patent. Samsung also induces infringement by, for example, entering marketing and sales agreements and by providing components used in infringement, technical support, advertisements, marketing materials, instruction booklets, user guides, email services, messaging services, and/or service manuals.

**THIRD CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 5,581,804)**

42. MTel incorporates by reference paragraphs 1 through 41 as if set forth here in full

43. Samsung directly infringes by making, using, selling, offering for sell, and/or importing software and equipment that embody claims of the '804 Patent. Samsung operates an electronic messaging network that includes equipment and software, including but not limited to, Samsung mobile devices, such as the Galaxy Series of devices; mobile device management (*e.g.* Samsung SAFE MDM) software and hardware; Samsung Smart Connectivity Solution, Samsung Wireless Enterprise Solution controllers, access points, and technologies, such as AirMove and Self Organizing Network (SON); and related software and equipment that embody the claims of the '804 Patent.

44. The messaging network can send control signals to Samsung mobile devices that prevent the device from sending registration signals to the messaging network.

45. The messaging network can send probe signals to Samsung mobile devices.

46. Samsung mobile devices send registration messages that show the location of device. On information and belief, the receipt of these messages by the messaging network is logged.

47. On information and belief, Samsung mobile devices send responses to probe signals back to the messaging network.

48. On information and belief, the messaging network logs the messages sent to and received from Samsung mobile devices.

49. On information and belief, if the Samsung mobile devices are not optimally acknowledging the receipt of messages from the messaging network, the messaging network can send control signals to the Samsung mobile devices to command them to send registration signals.

50. Samsung customers are direct infringers of the claims of the '804 Patent.

51. Samsung instructs and otherwise encourages its customers to infringe the claims of the '804 Patent by providing manuals and similar instructions on the operation of the messaging network and Samsung mobile devices. When provided to Samsung's customers, these devices operate in ways that infringe the '804 Patent and have no non-infringing uses.

(INFRINGEMENT OF U.S. PATENT NOS. 5,590,403, 5,659,891 AND 5,915,210)

52. MTel incorporates by reference paragraphs 1 through 51 as if set forth here in full.

53. On information and belief, MTel alleges that Samsung infringes the '403, '210, and '891 Patents by making, using, selling, offering to sell, importing, and supporting certain subcarrier spacing structures and/or multiple input multiple output ("MIMO") transmission techniques, including those generally referred to as transmit diversity and spatial multiplexing, which are implemented within Samsung mobile devices pursuant to LTE or 802.11 standards,

such as those in Galaxy Series devices (e.g Galaxy S5 and Galaxy Note 4); all Samsung products supporting 802.11 n and ac WLAN transmission, such as WEA302i and 303i; and Samsung eNodeB base stations (e.g.Samsung MBS).

54. MTel alleges, for example, and accuses all Samsung mobile devices supporting or using techniques consistent with MIMO aspects of the IEEE 802.11 standards (e.g., as described at <http://www.wi-fi.org/file/wi-fi-certified-n-longer-range-faster-throughput-multimedia-grade-wi-fi-networks-2009> at 5-6:

55. A MIMO system has some number of transmitters (N) and receivers (M) ... Signals from each of the N transmitters can reach each of the M receivers via a different path in the channel. A MIMO device with multiple antennas is capable of sending multiple spatial streams – spatially distinct data streams within the same channel. A MIMO device with multiple antennas is capable of receiving multiple spatial streams. Multipath helps decorrelate the received signals enabling transmission of multiple data streams through the same MIMO channel – a technique called spatial multiplexing. MIMO can multiply data rate through a technique called spatial multiplexing - dividing a data stream into several branches and sending it as multiple parallel data streams simultaneously in the same channel.

56. MIMO can also be used to improve the robustness and range of 802.11n communications through a technique called spatial diversity. When the same data stream is transmitted across multiple spatial streams error rate can be reduced. An additional technique improving range and reliability called Space Time Block Coding (STBC) is also incorporated into Wi-Fi CERTIFIED n.)

**FOURTH CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 5,590,403)**

57. MTel incorporates by reference paragraphs 1 through 56 as if set forth here in full.

58. Samsung has directly infringed by making, using, selling, offering for sell, and/or importing in the United States devices and/or methods encompassed by the claims of the '403 Patent, including base stations and small cells, wireless routers, controllers, access points, and set-top boxes, and mobile devices, such as Samsung's CY-SWR1100, SMT-G7400, Samsung WLAN Solution for Wireless Enterprise Series, Galaxy Series devices, and Samsung eNodeB base stations (collectively "MIMO Transmission Devices"), that embody the claims or practice the methods of the '403 Patent. Samsung's accused products implement and use the Wi-Fi standard IEEE 802.11n or ac. Samsung has infringed the '403 Patent because of the MIMO features used and advertised as part of the accused MIMO Transmission Devices, among others.

59. End users of MIMO Transmission Devices are direct infringers of the claims of the '403 Patent. Samsung has induced infringement of at least one claim of the '403 Patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §271(b), by, among other things, actively, knowingly, and/or recklessly aiding and abetting others (including Samsung's customers and end users) through activities such as supporting and marketing with the specific intent to induce others to directly use without license or authority, processes that fall within the scope of at least one claim of the '403 Patent.

60. Samsung has contributed to the infringement of at least one claim of the '403 Patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §271(c), by, among other things, providing its 802.11n or ac compliant MIMO-enabled products that embody a material part of the claimed inventions of the '403 Patent, knowing that such products are

especially made or especially adapted for use in an infringement of these claims, and that they are not staple articles or commodities of commerce suitable for substantial non-infringing use. Samsung also contributed to its users' and customers' infringement of the '403 Patent.

61. Samsung has had knowledge of the '403 Patent since at least August 20, 2013, when it appeared in *Mobile Telecomms. Techs., LLC v. Sprint*, No. 2:13-CV-259-RSP (E.D. Tex.), a case in which MTel asserted the '403, '210, and '891 Patents against Apple in regards to products that are not meaningfully different in their infringing operation from Samsung MIMO Transmission Devices. Despite having knowledge of these patents, Samsung (1) continued to infringe, including continuing to make, use, sell, offer for sale and/or importing the accused devices; (2) continued to advertise the accused devices on its website; (3) continued to provide instructions on the devices' use. Samsung's actions were at least objectively reckless as to the infringement risk and this objective risk was either known or should have been known by Samsung. Samsung's infringement of these three patents was willful, intentional, and in conscious disregard of MTel's rights under the patents.

**FIFTH CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 5,915,210)**

62. MTel incorporates by reference paragraphs 1 through 61 as if set forth here in full.

63. Samsung has directly infringed by making, using, selling, offering for sell, and/or importing in the United States devices and/or methods encompassed by the claims of the '210 Patent, including base stations and small cells, wireless routers, controllers, access points, and set-top boxes, and mobile devices, such as Samsung's CY-SWR1100, SMT-G7400, Samsung WLAN Solution for Wireless Enterprise Series, Galaxy Series devices, and Samsung eNodeB base stations (collectively "MIMO Transmission Devices"), that embody the claims or practice

the methods of the '210 Patent. Samsung's accused products implement and use the Wi-Fi standard IEEE 802.11n or ac, which implement MIMO transmissions and certain subcarrier frequency structures. Samsung has infringed the '210 Patent at least because of the MIMO features and frequency structures used and advertised as part of the accused MIMO Transmission Devices, among others.

64. End users of MIMO Transmission Devices are direct infringers of the claims of the '210 Patent. Samsung induced infringement of at least one claim of the '210 Patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §271(b), by, among other things, actively, knowingly, and/or recklessly aiding and abetting others (including Samsung's customers and end users) through activities such as supporting and marketing with the specific intent to induce others to directly use without license or authority, processes that fall within the scope of at least one claim of the '210 Patent.

65. Samsung contributed to the infringement of at least one claim of the '210 Patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §271(c), by, among other things, providing its 802.11n or ac compliant MIMO-enabled products that embody a material part of the claimed inventions of the '210 Patent, knowing that such products are especially made or especially adapted for use in an infringement of these claims, and that they are not staple articles or commodities of commerce suitable for substantial non-infringing use. Samsung also contributed to its users' and customers' infringement of the '210 Patent.

**SIXTH CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 5,659,891)**

66. MTel incorporates by reference paragraphs 1 through 66 as if set forth here in full.

67. Samsung has directly infringed and will continue to directly infringe by making, using, selling, offering for sell, and/or importing in the United States devices and/or methods encompassed by the claims of the '891 Patent, including base stations and small cells, wireless routers, controllers, access points, and set-top boxes, and mobile devices supporting OFDM transmissions in a bandlimited channel, such as Samsung's CY-SWR1100, SMT-G7400, Samsung WLAN Solution for Wireless Enterprise Series, Galaxy Series devices, and Samsung base stations (collectively "Transmission Devices"), that embody the claims or practice the methods of the '891 Patent. Samsung's accused products implement and use the LTE and Wi-Fi standard IEEE 802.11n or ac, which implement certain subcarrier frequency structures. Samsung has infringed and will continue to infringe the '891 Patent at least because of the frequency structures used and advertised as part of the accused Transmission Devices, among others.

68. End users of Transmission Devices are direct infringers of the claims of the '891 Patent. Samsung has and will continue to induce infringement of at least one claim of the '891 Patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §271(b), by, among other things, actively, knowingly, and/or recklessly aiding and abetting others (including Samsung's customers and end users) through activities such as supporting and marketing with the specific intent to induce others to directly use without license or authority, processes that fall within the scope of at least one claim of the '891 Patent.

69. Samsung has and will continue to contribute to the infringement of at least one claim of the '891 Patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. §271(c), by, among other things, providing its 802.11n or ac compliant products that embody a material part of the claimed inventions of the '891 Patent, knowing that such products

are especially made or especially adapted for use in an infringement of these claims, and that they are not staple articles or commodities of commerce suitable for substantial non-infringing use. Samsung also contributes to its users' and customers' infringement of the '891 Patent.

70. Samsung has had knowledge of the '891 Patent since at least August 20, 2013, when it appeared in *Mobile Telecomms. Techs., LLC v. Sprint*, No. 2:13-CV-259-RSP (E.D. Tex.), a case in which MTel asserted the '403, '210, and '891 Patents against Apple in regards to products that are not meaningfully different in their infringing operation from Samsung Wi-Fi Transmission Devices. Despite having knowledge of these patents for years and knowledge of the favorable jury verdict that MTel obtained against Apple on November 17, 2014 in regards to infringement and validity of the '403, '210, and '891 Patent, Samsung has (1) continued to infringe, including continuing to make, use, sell, offer for sale and/or importing the accused devices; (2) continued to advertise the accused devices on its website; (3) continued to provide instructions on the devices' use. Samsung's actions are at least objectively reckless as to the infringement risk and this objective risk was either known or should have been known by Samsung. Samsung's infringement of these three patents is willful, intentional, and in conscious disregard of MTel's rights under the patents.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

A. That Samsung be adjudged to have infringed the Patents-in-Suit, directly and indirectly, by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents;

B. That MTel be awarded damages in an amount no less than a reasonable royalty for Samsung's infringement of the Patents-in-Suit;

C. That Samsung be adjudged to have consciously and willfully infringed the asserted '403, '891, '428, and '946 Patents;

D. That the damages awarded to MTel with respect to each of the asserted '403, '891, '428, and '946 Patents be increased up to three times, in view of the relevant period of Samsung's willful infringement, in accordance with 35 U.S.C. § 284;

E. That Samsung be directed to pay Plaintiff pre-judgment and post-judgment interest and costs for Plaintiff bringing this lawsuit, in accordance with 35 U.S.C. § 284;

F. That Samsung be directed to pay enhanced damages, including Plaintiff's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. § 285 and Rule 54(d) of the Federal Rules of Civil Procedure; and

G. That Plaintiff receives such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff respectfully demands a trial by jury of any and all issues triable of right before a jury.

Dated: February 9, 2015

Respectfully Submitted,

/s/ Daniel R. Scardino

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