

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

MOBILE TELECOMMUNICATIONS	§	
TECHNOLOGIES, LLC,	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. 2:15-cv-00183
	§	
SAMSUNG ELECTRONICS CO.,	§	JURY TRIAL REQUESTED
LTD., SAMSUNG ELECTRONICS	§	
AMERICA, INC., SAMSUNG	§	
TELECOMMUNICATIONS AMERICA,	§	
LLC.,	§	
Defendants.	§	

**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

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.