

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

**OPTIS CELLULAR TECHNOLOGY, LLC
and PANOPTIS PATENT MANAGEMENT,
LLC,**

Plaintiffs,

v.

ZTE CORPORATION and ZTE (USA) INC.,

Defendants.

CIVIL ACTION NO.

2:16-cv-58

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Optis Cellular Technology, LLC and PanOptis Patent Management, LLC, (collectively, “Plaintiffs” or “PanOptis”), file this Original Complaint for Patent Infringement under 35 U.S.C. § 271 against ZTE Corporation and ZTE (USA) Inc., (collectively, “Defendants” or “ZTE”), and allege as follows:

THE PARTIES

1. Plaintiff Optis Cellular Technology, LLC (“Optis Cellular”) is a limited liability company organized and existing under the laws of the State of Delaware, and

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maintains its principal place of business at 7160 Dallas Parkway, Suite 250, Plano, Texas 75024.

2. Plaintiff PanOptis Patent Management, LLC (“PPM”) is a limited liability company organized and existing under the laws of the State of Delaware, and maintains its principal place of business at 7160 Dallas Parkway, Suite 250, Plano, Texas 75024.

3. On information and belief, Defendant ZTE Corporation (“ZTE Corp.”) is a corporation organized and operating under the laws of the country of China with its principal place of business at ZTE Plaza, Keji Road South, Hi-Tech Industrial Park, Nanshan District, Shenzhen, Guangdong Province 518057, China, P.R.C. ZTE Corp. manufactures, imports into the United States, sells and/or offers for sale in the United States mobile telephones, tablets, mobile hotspots, and digital projectors for use in a mobile communications network. In addition, ZTE Corp.’s mobile telephones, tablets, mobile hotspots, and digital projectors for use in a mobile communications network are marketed, offered for sale, and/or sold throughout the United States, including within this District. ZTE Corp. can be served with process by serving the Texas Secretary of State.

4. On information and belief, Defendant ZTE (USA) Inc. (“ZTE USA”) is a corporation organized under the laws of the state of New Jersey with its principal place of business at 2425 North Central Expressway, Suite 323, Richardson, Texas 75080. ZTE USA manufactures, imports into the United States, sells and/or offers for sale in the United States mobile telephones, tablets, mobile hotspots, and digital projectors for use in a mobile communications network. In addition, ZTE USA’s mobile telephones, tablets, mobile hotspots, and digital projectors for use in a mobile communications network are marketed, offered for sale, and/or sold throughout the United States, including within this District. ZTE

USA can be served with process through its registered agent, Jing Li, at 2425 North Central Expressway, Suite 323, Richardson, TX 75080.

JURISDICTION AND VENUE

5. This is an action arising under the patent laws of the United States, 35 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 1338(a), 2201, and 2202.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c) and (d) and 1400(b).

7. This Court has personal jurisdiction over Defendants. Defendants have conducted and do conduct business within the State of Texas. Defendants, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), ship, distribute, offer for sale, sell, and advertise (including the provision of an interactive web page) their products and/or services in the United States, the State of Texas, and the Eastern District of Texas. Defendants, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), have purposefully and voluntarily placed one or more of its infringing products and/or services, as described below, into the stream of commerce with the expectation that they will be purchased and used by consumers in the Eastern District of Texas. These infringing products and/or services have been and continue to be purchased and used by consumers in the Eastern District of Texas. Defendants have committed acts of patent infringement within the State of Texas and, more particularly, within the Eastern District of Texas.

THE PATENTS

8. United States Letters Patent No. 8,019,332 (“the ’332 Patent”), entitled “Method for Transmitting and Receiving Control Information Through PDCCH,” was duly

and legally issued after full and fair examination to inventors Dae Won Lee, Ki Jun Kim, Dong Wook Roh, Yu Jin Noh, Joon Kui Ahn and Jung Hoon Lee on September 13, 2011. Optis Cellular owns by assignment the entire right, title, and interest in the '332 Patent, is entitled to sue for past and future infringement and possesses the right to license the '332 Patent, a copy of which is attached as Exhibit A.

9. United States Letters Patent No. 8,102,833 (“the '833 Patent”), entitled “Method for Transmitting Uplink Signals,” was duly and legally issued after full and fair examination to inventors Dae Won Lee, Bong Hoe Kim, Young Woo Yun, Ki Jun Kim, Dong Wook Roh, Hak Seong Kim and Hyun Wook Park on January 24, 2012. Optis Cellular owns by assignment the entire right, title, and interest in the '833 Patent, is entitled to sue for past and future infringement and possesses the right to license the '833 Patent, a copy of which is attached as Exhibit B.

10. United States Letters Patent No. 8,437,293 (“the '293 Patent”), entitled “Methods and Systems for Scheduling Resources in a Telecommunication System,” was duly and legally issued after full and fair examination to inventors Kristina Jersenius, Henning Wiemann, Anna Larmo, Peter Moberg and Eva Englund on May 7, 2013. Optis Cellular owns by assignment the entire right, title, and interest in the '293 Patent, is entitled to sue for past and future infringement and possesses the right to license the '293 Patent, a copy of which is attached as Exhibit C.

11. United States Letters Patent No. 8,174,506 (“the '506 Patent”), entitled “Method of Displaying Object and Terminal Capable of Implementing the Same,” was duly and legally issued after full and fair examination to inventors Tae Hun Kim, Boem Young Woo, Jeong Hyuk Yoon, Hyun Ju Ahn, Seung Sook Han, Jun Serk Park and Ho Sang Cheon

on May 8, 2012. Optis Cellular owns by assignment the entire right, title, and interest in the '506 Patent, is entitled to sue for past and future infringement and possesses the right to license the '506 Patent, a copy of which is attached as Exhibit D.

12. The '332, '833, '293, and '506 Patents (collectively, the "Asserted Patents") are each valid and enforceable.

13. By way of written agreement between PPM and Optis Cellular, PPM possesses the rights to negotiate and execute licenses for each of the Asserted Patents.

FACTUAL BACKGROUND

14. The Asserted Patents cover inventions relating to wireless communications, mobile telephones and other devices for use in a mobile communications network.

15. The Defendants have imported into the United States, marketed, offered for sale and/or sold in the United States, mobile telephones and other devices for use in a mobile communications network that infringe the Asserted Patents, or induce or contribute to the infringement of the Asserted Patents by others.

16. The Defendants have been placed on actual notice of one or more of the Asserted Patents. The filing of this Complaint also constitutes notice in accordance with 35 U.S.C. § 287. Despite such notice, the Defendants continue to import into, market, offer for sale and/or sell in the United States products that infringe the Asserted Patents.

17. The Defendants have, and continue to, directly and indirectly infringe the Asserted Patents by engaging in acts constituting infringement under 35 U.S.C. § 287(a), (b), (c), and/or (f), including but not necessarily limited to one or more of making, using, testing, selling and/or offering to sell, in this District and elsewhere in the United States, and importing into this District and elsewhere in the United States, certain infringing mobile communication devices, including but not limited to Defendants' mobile telephones, tablets,

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