

**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.

**KYOCERA COMMUNICATIONS, INC.,
KYOCERA INTERNATIONAL, INC. and
KYOCERA CORPORATION,**

Defendants.

CIVIL ACTION NO.

2:16-cv-59

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 Kyocera Corporation, Kyocera Communications, Inc., and Kyocera International, Inc., (collectively, “Defendants” or “Kyocera”), and allege as follows:

IPR2020-00465

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 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 Kyocera Corporation (“Kyocera Corp.”) is a corporation organized and operating under the laws of the country of Japan with its principal place of business at 6 Takeda Tobadono-cho, Fushimi-ku, Kyoto, Japan. Kyocera Corp. manufactures, imports into the United States, sells and/or offers for sale in the United States mobile telephones for use in a mobile communications network. In addition, Kyocera Corp.’s mobile telephones for use in a mobile communications network are marketed, offered for sale, and/or sold throughout the United States, including within this District. Kyocera Corp. can be served with process by serving the Texas Secretary of State.

4. On information and belief, Defendant Kyocera Communications, Inc. (“Kyocera Communications”) is a corporation organized under the laws of the state of Delaware with its principal place of business at 9520 Towne Centre Drive, San Diego, CA 92121. Kyocera Communications manufactures, imports into the United States, sells and/or offers for sale in the United States mobile telephones for use in a mobile communications network. In addition, Kyocera Communications’ mobile telephones for use in a mobile communications network are marketed, offered for sale, and/or sold

throughout the United States, including within this District. Kyocera Communications can be served with process through its registered service agent, Corporation Service Company d/b/a CSC-Lawyers Inco at 211 E. 7th Street, Suite 620, Austin, TX 78701.

5. On information and belief, Defendant Kyocera International, Inc. (“Kyocera International”), is a corporation organized under the laws of the State of California with its principal place of business at 8611 Balboa Avenue, San Diego, CA 92123-1580. Kyocera International manufactures, imports into the United States, sells and/or offers for sale in the United States mobile telephones for use in a mobile communications network. In addition, Kyocera International’s mobile telephones for use in a mobile communications network are marketed, offered for sale, and/or sold throughout the United States, including within this District. Kyocera International can be served with process through its registered service agent, Corporation Service Company, d/b/a/ CSC – Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA 95833.

JURISDICTION AND VENUE

6. 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.

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

8. 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

9. 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.

10. 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.

11. 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.

12. 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.

13. The ’332, ’833, ’293, and ’506 Patents (collectively, the “Asserted Patents”) are each valid and enforceable.

14. 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

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

16. 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

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