

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

**OPTIS WIRELESS TECHNOLOGY, LLC,
OPTIS CELLULAR TECHNOLOGY, LLC,
UNWIRED PLANET, LLC,
UNWIRED PLANET INTERNATIONAL
LIMITED, AND
PANOPTIS PATENT MANAGEMENT, LLC**

Plaintiffs,

v.

APPLE INC.,

Defendant.

Civil Action No. 2:19-cv-66

JURY TRIAL REQUESTED

ORIGINAL COMPLAINT

IPR2020-00466

Plaintiffs Optis Wireless Technology, LLC, Optis Cellular Technology, LLC, Unwired Planet, LLC, Unwired Planet International Limited, and PanOptis Patent Management, LLC (collectively and/or individually referred to as the “Plaintiff(s)” herein) file this Complaint against Apple Inc. (“Apple”), and allege as follows:

NATURE OF THE ACTION

1. The Plaintiffs have repeatedly negotiated with Apple to reach an agreement for a global FRAND license to the Plaintiffs’ patent portfolios which Apple is infringing. For example, Apple has infringed and continues to infringe, contribute to the infringement of, and/or actively induce others to infringe U.S. Patent Nos. 8,005,154 (“the ’154 patent”), 8,019,332 (“the ’332 patent”), 8,385,284 (“the ’284 patent”), 8,411,557 (“the ’557 patent”), 9,001,774 (“the ’774 patent”), 8,102,833 (“the ’833 patent”), and 8,989,290 (“the ’290 patent”) (collectively, “the Asserted Patents” or “the Patents-in-Suit”).

2. The negotiations have been unsuccessful because Apple refuses to pay a FRAND royalty for a license to the Plaintiffs’ patents. Therefore, the Plaintiffs file this Complaint seeking a judgment of and relief for patent infringement by Apple.

PARTIES

3. Plaintiff Optis Wireless Technology, LLC (“Optis Wireless”) 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, TX 75024.

4. 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, TX 75024.

5. 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, TX 75024.

6. Plaintiff Unwired Planet, LLC (“Unwired Planet”) is a limited liability company organized and existing under the laws of Nevada, and is located at 7160 Dallas Pkwy., Ste. 250, Plano, TX 75024.

7. Plaintiff Unwired Planet International Limited (“Unwired Planet International”) is a company organized under the laws of Ireland, and is located at Unit 32, Hyde Bldg., The Park, Carrickmines, Dublin 18, Ireland.

8. Defendant Apple Inc. is a California corporation with its principal place of business at 1 Infinite Loop, Cupertino, California 95014. Apple designs, manufactures, uses, imports into the United States, sells, and/or offers for sale in the United States smartphones, tablets, smartwatches, and other mobile computing devices that operate over the 4G (LTE) cellular standard. Apple’s devices are marketed, offered for sale, and/or sold throughout the United States, including within this District.

JURISDICTION AND VENUE

9. Within the United States, this Court has subject matter jurisdiction over this case under 28 U.S.C. §§ 1331, 1332, 1338, and 1367.

10. The amount in controversy exceeds \$75,000.

11. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

12. This Court has personal jurisdiction over Apple. Apple has continuous and systematic business contacts with the State of Texas. Apple, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), conducts its business extensively

throughout Texas, by shipping, distributing, offering for sale, selling, and advertising (including the provision of interactive web pages) its products and services in the State of Texas and the Eastern District of Texas. Apple, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has purposefully and voluntarily placed its infringing products and services into this District and into the stream of commerce with the intention and expectation that they will be purchased and used by consumers in this District. Apple has offered and sold and continues to offer and sell these infringing products and services in this District, including at physical Apple stores located within this District. Apple has also directed communications in connection with negotiations with the Plaintiffs into the Eastern District of Texas. Apple has committed acts of infringement in this judicial district and has a regular and established place of business in this judicial district.

THE ASSERTED PATENTS

13. On August 23, 2011, the '154 patent was duly and legally issued for an invention titled, "Method and Apparatus for Transmitting and Receiving Shared Control Channel Message in a Wireless Communication System Using Orthogonal Frequency Division Multiple Access." The Plaintiffs own all rights to the '154 patent necessary to bring this action.

14. On September 13, 2011, the '332 patent was duly and legally issued for an invention titled, "Method for Transmitting and Receiving Control Information through PDCCH." The Plaintiffs own all rights to the '332 patent necessary to bring this action.

15. On February 26, 2013, the '284 patent was duly and legally issued for an invention titled, "Control Channel Signaling Using a Common Signaling Field for Transport Format and Redundancy Version." The Plaintiffs own all rights to the '284 patent necessary to bring this action.

16. On April 2, 2013, the '557 patent was duly and legally issued for an invention titled, "Mobile Station Apparatus and Random Access Method." The Plaintiffs own all rights to the '557 patent necessary to bring this action.

17. On April 7, 2015, the '774 patent was duly and legally issued for an invention titled, "System and Method for Channel Estimation in a Delay Diversity Wireless Communication System." The Plaintiffs own all rights to the '744 patent necessary to bring this action.

18. On January 24, 2012, the '833 patent was duly and legally issued for an invention titled, "Method for Transmitting Uplink Signals." The Plaintiffs own all rights to the '833 patent necessary to bring this action.

19. On March 24, 2015, the '290 patent was duly and legally issued for an invention titled, "Mode switching between SU-MIMO and MU-MIMO." The Plaintiffs own all rights to the '290 patent necessary to bring this action.

20. The Plaintiffs exclusively own all rights, title, and interest in the Patents-in-Suit necessary to bring this action, including the right to recover past and future damages. Apple is not currently licensed to practice the Patents-in-Suit.

21. The Patents-in-Suit are valid and enforceable.

COMPLIANCE WITH FRAND

22. In the telecommunications industry, global standards are fundamental to ubiquitous connectivity and enable any company—even a company like Apple with no history in the wireless communication development—to enter the market and sell smartphones.

23. The European Telecommunications Standards Institute (ETSI) is an independent, non-profit standard setting organization (SSO) that produces globally-accepted standards in the

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