

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

OPTIS WIRELESS TECHNOLOGY, LLC and PANOPTIS PATENT MANAGEMENT, LLC,	§ § § Civil Action No. 2:15-cv-300 §
PLAINTIFFS,	§
v.	§ JURY TRIAL REQUESTED §
ZTE CORPORATION and ZTE (USA) INC.,	§ §
DEFENDANTS.	

**PLAINTIFFS OPTIS WIRELESS TECHNOLOGY, LLC'S and PANOPTIS
PATENT MANAGEMENT, LLC'S COMPLAINT**

Plaintiffs Optis Wireless Technology, LLC and PanOptis Patent Management, LLC (together, "Plaintiffs" or "PanOptis") file this Complaint for patent infringement under 35 U.S.C. § 271 against ZTE Corporation and ZTE (USA) Inc. (together, "ZTE"), and allege as follows:

PARTIES

1. 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 7161 Bishop Road, Suite 200, 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 7161 Bishop Road, Suite 200, Plano, Texas 75024.

3. Upon information and belief, Defendant ZTE Corporation is a corporation organized and existing under the laws of China with its principal place of business at

IPR2020-00466

ZTE Plaza, Keji Road South, Hi-Tech Industrial Park, Nanshan District, Shenzhen, Guangdong Province 518057, China, P.R.C.

4. Upon information and belief, Defendant ZTE (USA) Inc. is a corporation organized and existing under the laws of the State of New Jersey and maintains its principal place of business at 2425 North Central Expressway, Suite 323, Richardson, Texas 75080.

JURISDICTION AND VENUE

5. This is an action for patent infringement under 35 U.S.C. § 271. This Court has exclusive subject matter jurisdiction over this case under 28 U.S.C. § 1338.

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

7. This Court has personal jurisdiction over ZTE. ZTE has conducted and conducts business within the State of Texas. ZTE, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), ships, distributes, offers for sale, sells, and advertises (including the provision of an interactive web page) its products (including its infringing products) and/or services in the United States, the State of Texas, and the Eastern District of Texas.

8. ZTE, directly and through subsidiaries or intermediaries (including distributors, retailers, and others), has 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.

9. ZTE has committed acts of patent infringement within the State of Texas and, more particularly, within the Eastern District of Texas.

THE ASSERTED PATENTS AND INFRINGING INSTRUMENTALITIES

10. On November 22, 2011, U.S. Patent No. 8,064,919 (“’919 Patent”), entitled “Radio Communication Base Station Device and Control Channel Arrangement Method” was duly and legally issued after full and fair examination, with Masaru Fukuoka, Akihiko Nishio, Seigo Nakao, and Alexander Golitschek Edler Von Elbwart as the named inventors. Optis Wireless owns all rights, title, and interest in and to the ’919 Patent, possesses all rights of recovery (including recovery for past damages) under the ’919 Patent, and possesses the right to license the ’919 Patent.

11. On June 12, 2012, U.S. Patent No. 8,199,792 (“’792 Patent”), entitled “Radio Communication Apparatus and Response Signal Spreading Method” was duly and legally issued after full and fair examination, with Seigo Nakao, Daichi Imamura, Akihiko Nishio, and Masayuki Hoshino as the named inventors. Optis Wireless owns all rights, title, and interest in and to the ’792 Patent, possesses all rights of recovery (including recovery for past damages) under the ’792 Patent, and possesses the right to license the ’792 Patent.

12. On April 2, 2013, U.S. Patent No. 8,411,557 (“’557 Patent”), entitled “Mobile Station Apparatus and Random Access Method” was duly and legally issued after full and fair examination, with Daichi Imamura, Sadaki Futagi, Atsushi Matsumoto, Takashi Iwai, and Tomofumi Takata as the named inventors. Optis Wireless owns all rights, title, and interest in and to the ’557 Patent, possesses all rights of recovery (including recovery for past damages) under the ’557 patent, and possesses the right to license the ’557 Patent.

13. On March 12, 2002, U.S. Patent No. 6,356,631 (“’631 Patent”), entitled “Multi-Client Object Oriented Interface Layer,” was duly and legally issued after full and

fair examination, with Shankarnarayan Krishnan as the named inventor. Optis Wireless owns all rights, title, and interest in and to the '631 Patent, possesses all rights of recovery (including recovery for past damages) under the '631 Patent, and possesses the right to license the '631 Patent.

14. On March 8, 2005, U.S. Patent No. 6,865,191 (“’191 Patent”), entitled “System and Method for Sending Multimedia Attachments to Text Messages in Radiocommunication Systems” was duly and legally issued after full and fair examination, with Henrik Bengtsson and Ivan Medved as the named inventors. Optis Wireless owns all rights, title, and interest in and to the '191 Patent, possesses all rights of recovery (including recovery for past damages) under the '191 patent, and possesses the right to license the '191 Patent.

15. The '919, '792, '557, '631, and '191 Patents (collectively, “Asserted Patents”) are each valid and enforceable.

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

17. ZTE has directly and indirectly infringed and continues to directly and indirectly infringe the Asserted Patents by engaging in acts constituting infringement under 35 U.S.C. § 271(a), (b), (c), and/or (f), including but not necessarily limited to one or more of making, using, testing, selling and 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 ZTE’s mobile phones, tablets, wireless hotspots, and wireless routers which

incorporate the functionalities and compositions described in detail in Counts I-V (collectively, “ZTE Mobile Communication Devices”).

18. The infringing ZTE Mobile Communication Devices include, but are not limited to, UNICO LTE, Anthem™ 4G, Avid™ 4G, Max™, Warp 4G, Compel™, Flash™, Force, Grand S Pro™, Grand X Max +, Grand X LTE, Imperial™, Imperial™ II, Nubia 5S mini LTE, Overture™, Rapido LTE, Source™, Speed™, Supreme™, Vital™, Warp Sync™, Z998, ZMAX™, Home Base™/Home Base™ (GoPhone), Pocket WiFi, LivePro™, 4G LTE Hotspot Z915, Sonic 2.0 Mobile Hotspot LTE, Unite™, Unite™ II, Velocity™, JetPack™ 890L, and 4G LTE™ Router with Voice, and all versions and variations thereof.

19. ZTE’s acts of infringement have caused damage to Plaintiffs. Plaintiffs are entitled to recover from ZTE the damages sustained by Plaintiffs as a result of ZTE’s wrongful acts.

PLAINTIFFS’ LTE STANDARDS ESSENTIAL PATENTS

20. Plaintiffs incorporate by reference paragraphs 1-19 as if fully set forth herein.

21. The European Telecommunications Standards Institute (ETSI) is a standard setting organization (SSO) that produces globally-accepted standards for the telecommunication industry. ETSI is an organizational partner of the Third Generation Partnership Project (3GPP), which maintains and develops globally applicable technical specifications for mobile systems, including the specifications for implementation and use of wireless communications for high-speed data referred to as the Long Term Evolution (LTE) standard.

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