

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

SMART MOBILE TECHNOLOGIES LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 6:21-cv-00603

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Smart Mobile Technologies LLC ("Smart Mobile"), by and through its attorneys, hereby alleges the following:

I. NATURE OF THE ACTION

1. This is a patent infringement action for damages and other appropriate remedies for Defendant Apple Inc.'s ("Apple") unauthorized and infringing manufacture, use, sale, offering for sale, and/or importation of products incorporating Smart Mobile's patented inventions.

2. Smart Mobile is the owner of all right, title, and interest in and to United States Patent No. 8,442,501 (the "'501 Patent"), issued May 14, 2013 and titled "Dynamically Configurable IP Based Wireless Devices And Networks." A true and correct copy of the '501 Patent is attached hereto as Exhibit A.

3. Smart Mobile is the owner of all right, title, and interest in and to United States Patent No. 8,472,936 (the "'936 Patent"), issued June 25, 2013 and titled "Dynamically Configurable IP Based Wireless Devices And Wireless Networks." A true and correct copy of the '936 Patent is attached hereto as Exhibit B.

4. Smart Mobile is the owner of all right, title, and interest in and to United States Patent No. 8,472,937 (the "'937 Patent"), issued June 25, 2013 and titled "Dynamically Configurable IP Based Mobile Devices And Networks." A true and correct copy of the '937 Patent is attached hereto as Exhibit C.

5. Smart Mobile is the owner of all right, title, and interest in and to United States Patent No. 8,761,739 (the "'739 Patent"), issued June 24, 2014 and titled "Dynamically Configurable IP Based Wireless Devices And Networks." A true and correct copy of the '739 Patent is attached hereto as Exhibit D.

6. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 8,824,434 (the "'434 Patent"), issued September 2, 2014 and titled "Portable Wireless Device With Dual RF Communication And Antennas." A true and correct copy of the '434 Patent is attached hereto as Exhibit E.

7. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 8,842,653 (the "'653 Patent"), issued September 23, 2014 and titled "Wireless Devices With Transmission Control And Multiple Paths Of Communication." A true and correct copy of the '653 Patent is attached hereto as Exhibit F.

8. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 8,982,863 (the "'863 Patent"), issued March 17, 2015 and titled "Controller and Server System for Networking." A true and correct copy of the '863 Patent is attached hereto as Exhibit G.

9. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,019,946 (the "'946 Patent"), issued April 28, 2015 and titled "Wireless And Cellular

Voice And Data Transmission With Multiple Paths Of Communication." A true and correct copy of the '946 Patent is attached hereto as Exhibit H.

10. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,049,119 (the "'119 Patent"), issued June 2, 2015 and titled "Dynamically Configurable Mobile Device and Cellular Phones With Functions." A true and correct copy of the '119 Patent is attached hereto as Exhibit I.

11. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,191,083 (the "'083 Patent"), issued November 17, 2015 and titled "Wireless Device With Multichannel Data Transfer." A true and correct copy of the '083 Patent is attached hereto as Exhibit J.

12. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,319,075 (the "'075 Patent"), issued April 19, 2016 and titled "Wireless Devices With Transmission Control And Multiple Internet Protocol (IP) Based Paths Of Communication." A true and correct copy of the '075 Patent is attached hereto as Exhibit K.

13. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,614,943 (the "'943 Patent"), issued April 4, 2017 and titled "System To Interface Internet Protocol (IP) Based Wireless Devices With Subtasks And Channels." A true and correct copy of the '943 Patent is attached hereto as Exhibit L.

14. Smart Mobile is also the owner of all right, title, and interest in and to United States Patent No. 9,756,168 (the "'168 Patent"), issued September 5, 2017 and titled "Multifunction Mobile Devices And Appliance Control." A true and correct copy of the '168 Patent is attached hereto as Exhibit M.

15. Apple makes, uses, offers for sale, sell, and/or imports into the United States products that directly infringe the '501, '936, '937, '739, '434, '653, '863, '946, '119, '083, '075, '943, and '168 Patents (collectively, the "Patents in Suit"). Further, Apple indirectly infringes one or more of the Patents in Suit by inducing and contributing to infringement by others, including users of Apple devices, and by exporting components used in the making of Apple devices that would, if combined in the United States, infringe the Smart Mobile patents.

16. Smart Mobile seeks monetary damages, prejudgment interest, injunctive relief, and other relief for Apple's infringement of Patents in Suit.

II. PARTIES

17. Smart Mobile is a Delaware limited liability company having a principal place of business at 7600 Chevy Chase Drive, Building 2, Suite 300, Austin, Texas 78752. Smart Mobile develops mobile device software and technologies for scientists and engineers.

18. Upon information and belief, Defendant Apple Inc. is a corporation organized and existing under the laws of California and has one or more regular and established places of business in the Austin, Texas area, including at 12545 Riata Vista Circle, Austin, Texas. In November 2019, Apple stated that it had approximately 7,000 employees in Austin and that it expected to open, in 2022, a \$1 billion, 3-million-square-foot campus with capacity for 15,000 employees. *See* <https://www.apple.com/newsroom/2019/11/apple-expands-in-austin/>. The work done at Apple's location in Texas includes work related to Apple's iPhone products.

19. Upon information and belief, Apple also operates retail stores locations in the Western District of Texas ("WDTX"), including two in Austin, two in San Antonio, and one in El Paso. *See* www.apple.com/retail/. Apple uses, offers for sale, and sells iPhones at these retail stores.

20. Apple may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

III. JURISDICTION AND VENUE

21. This is an action for patent infringement, which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 282, 284, and 285. The Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

22. This Court has personal jurisdiction over Apple because Apple has committed acts giving rise to this action within Texas and within WDTX. Defendant also regularly does business or solicits business in WDTX and in Texas, engages in other persistent courses of conduct and derives substantial revenue from products and services provided in WDTX and in Texas, and has purposefully established substantial, systematic, and continuous contacts with WDTX and Texas and should reasonably expect to be sued in a court in WDTX and Texas. For example, as alleged above, Apple has retail and non-retail locations within WDTX. The website www.apple.com solicits sales of infringing products to consumers in WDTX and in Texas. Given these contacts, the Court's exercise of jurisdiction over Apple will not offend traditional notions of fair play and substantial justice.

23. Venue in WDTX is proper pursuant to 28 U.S.C. §§ 1391(b), (c), and 1400(b) because Apple has regular and established places of business in WDTX, including at 12545 Riata Vista Circle, Austin, Texas, has committed acts within this judicial district giving rise to this action, and Apple continues to conduct business in this judicial district, including making, using offering to sell, selling, and/or importing infringing products and providing support service to Apple's customers in WDTX.

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