

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SPEIR TECHNOLOGIES LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:22-cv-00077

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT
AGAINST APPLE INC.**

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*, in which Plaintiff Speir Technologies Limited (“Plaintiff” or “Speir”) makes the following allegations against Defendant Apple Inc. (“Defendant” or “Apple”):

INTRODUCTION

1. This complaint arises from Apple’s unlawful infringement of the following United States patents owned by Plaintiff, which relate to improvements in mobile communications systems: United States Patent Nos. 8,345,780 (“the ’780 Patent”) and 7,321,777 (“the ’777 Patent”) (collectively, the “Asserted Patents”).

PARTIES

2. Plaintiff Speir Technologies Limited is a limited liability company organized and existing under the law of Ireland, with its principal place of business at The Hyde Building, Suite 23, The Park, Carrickmines, Dublin 18, Ireland. Speir is the sole owner by assignment of all rights, title, and interest in the Asserted Patents, including the right to recover damages for past, present, and future infringement.

3. On information and belief, Defendant Apple Inc. is a publicly traded corporation organized under the laws of the State of California, with its principal place of business at One Apple Park Way, Cupertino, CA 95014. Apple may be served with process through its registered agent, CT Corporation System, at 818 West Seventh Street, Suite 930, Los Angeles, CA 90017.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Apple in this action because Apple has committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Apple would not offend traditional notions of fair play and substantial justice. Apple, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement in this District by, among other things, making, using, importing, offering to sell, and selling products that infringe the Asserted Patents. Apple has not contested personal jurisdiction in this District in prior cases. *See, e.g., Scramoge Tech. Ltd. v. Apple Inc.*, No.6:21-cv-00579-ADA, Dkt. No. 31, ¶ 5 (W.D. Tex. Sept. 14, 2021).

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). Apple is registered to do business in Texas, and upon information and belief, Apple has transacted business in this District and have committed acts of direct and indirect infringement in this District by, among other things, making, using, offering to sell, selling, and importing products that infringe the Asserted Patents. Apple has regular and established places of business in this District, including at 12545 Riata Vista Cir.,

Austin, Texas 78727; 12801 Delcour Dr., Austin, Texas 78727; and 3121 Palm Way, Austin, Texas 78758.¹ Apple also has job listings for jobs relating to the accused 5G and Ultra-Wideband (“UWB”) technologies in Austin, Texas.²

THE ASSERTED PATENTS

7. On January 1, 2013, the United States Patent and Trademark Office issued U.S. Patent No. 8,345,780 (“the ’780 Patent”), entitled “Wireless communication system compensating for interference and related methods,” after full and fair examination. Plaintiff is the assignee of all rights, title, and interest in and to the ’780 Patent and possesses all rights of recovery under the ’780 Patent, including the right to recover damages for past, present, and future infringement. The ’780 Patent is valid and enforceable. A true and correct copy of the ’780 Patent is attached hereto as Exhibit 1.

8. On January 22, 2008, the United States Patent and Trademark Office issued U.S. Patent No. 7,321,777 (“the ’777 Patent”), entitled “Wireless communications system including a wireless device locator and related methods,” after full and fair examination. Plaintiff is the assignee of all rights, title, and interest in and to the ’777 Patent and possesses all rights of recovery under the ’777 Patent, including the right to recover damages for past, present, and future

¹ See, e.g., <https://www.apple.com/newsroom/2019/11/apple-expands-in-austin/>; <https://www.google.com/maps/place/Apple+Inc./@30.4324406,-97.7359733,15z/data=!4m5!3m4!1s0x0:0x5852421ec4ac410c!8m2!3d30.4322558!4d-97.7359386>; <https://www.apple.com/retail/domainnorthside/>.

² See, e.g., <https://jobs.apple.com/en-us/details/200308092/modem-prototype-system-architect?team=HRDWR>; <https://jobs.apple.com/en-us/details/200206438/soc-qos-performance-engineer?team=HRDWR>; <https://jobs.apple.com/en-us/details/200294470/field-design-engineer?team=HRDWR>; <https://jobs.apple.com/en-us/details/200292503/nfc-uwband-field-design-engineer?team=HRDWR>; <https://jobs.apple.com/en-us/details/200303024/automation-tools-qa-design-engineer?team=HRDWR>.

infringement. The '777 Patent is valid and enforceable. A true and correct copy of the '777 Patent is attached hereto as Exhibit 2.

APPLE'S INFRINGEMENT

9. The allegations provided below are exemplary and without prejudice to Plaintiff's infringement contentions provided pursuant to the Court's scheduling order and local rules. Plaintiff's claim construction contentions regarding the meaning and scope of the claim terms will be provided under the Court's scheduling order and local rules. As detailed below, each element of at least one claim of each of the Asserted Patents is literally present in the accused products. To the extent that any element is not literally present, each such element is present under the doctrine of equivalents. Plaintiff's analysis below should not be taken as an admission that the preamble is limiting. While publicly available information is cited below, Plaintiff may rely on other forms of evidence to prove infringement, including evidence that is solely in the possession of Apple and/or third parties.

10. The accused products include at least the following products, as well as products with reasonably similar functionality. Identification of the accused products will be provided in plaintiff's infringement contentions pursuant to the Court's scheduling order and local rules. Apple imports into the United States, uses, makes, offers for sale, and sells in the United States the following products and infringes the asserted claims of the patents-in-suit (the "Accused Products"):

- '780 Patent Accused Products: iPhone 12, iPhone 12 Mini, iPhone 12 Pro, iPhone 12 Pro Max, iPhone 13, iPhone 13 Mini, iPhone 13 Pro, iPhone 13 Pro Max, iPad Pro, iPad Mini, and any other products with 5G functionality.

- '777 Patent Accused Products: iPhone 11, iPhone 11 Pro, iPhone 11 Pro Max, iPhone 12, iPhone 12 Mini, iPhone 12 Pro, iPhone 12 Pro Max, iPhone 13, iPhone 13 Mini, iPhone 13 Pro, iPhone 13 Pro Max, AirTags, and any other products with UWB functionality.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 8,345,780

11. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

12. Apple has been and is now directly infringing the '780 Patent, literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271(a), including by making, using, selling, and/or offering for sale in the United States or importing into the United States infringing products, including at least the Accused Products identified above. The Accused Products satisfy all of the claim limitations of one or more claims of the '780 Patent, including but not limited to claim 9.

13. Claim 9 of the '780 Patent recites “[a] wireless communications device operable to communicate with an other wireless communications device via a wireless communications link having at least one settable link characteristic.” To the extent the preamble is limiting, the Accused Products each comprise a wireless communications device operable to communicate with an other wireless communications device via a wireless communications link having at least one settable link characteristic. For example, the Accused Products are configured to communicate with base stations using 5G cellular technology:

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