

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

MOBILE TELECOMMUNICATIONS
TECHNOLOGIES, LLC,

Plaintiff,

v.

BRIGHT HOUSE NETWORKS, LLC

Defendant.

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C.A. No. 2:16-cv-00008-JRG-RSP

JURY TRIAL REQUESTED

PLAINTIFF’S FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Mobile Telecommunications Technologies, LLC (“MTel”), by and through its undersigned counsel, files this first amended complaint against Bright House Networks, LLC (“BHN” or “Defendant”) for infringement of U.S. Patent Nos. 5,590,403 (the “’403 Patent”), 5,659,891 (the “’891 Patent”), and 5,915,210 (the “’210 Patent”), (collectively, the “Asserted Patents” or the “Patents-in-Suit”) in accordance with 35 U.S.C. § 271 and alleges as follows:

PARTIES

1. Plaintiff MTel is a Delaware limited liability company having a principal place of business at 1720 Lakepointe Drive, Suite 100, Lewisville, Texas 75057.

2. MTel is a wholly owned subsidiary of United Wireless Holdings Inc. (“United Wireless”). In 2008, United Wireless, through another of its wholly owned subsidiaries, Velocita Wireless LLC, purchased the SkyTel wireless network, including assets related to SkyTel’s more than twenty-year history as a wireless data company. Velocita Wireless LLC, continued to operate the SkyTel wireless data network after the acquisition. As a result of that transaction, United Wireless gained ownership and control over the intellectual property

portfolio, including patents, that several SkyTel-related entities, including Mobile Telecommunication Technologies Corp. (“MTel Corp.”), Destineer Corp., and SkyTel Communications, developed over the years. United Wireless subsequently assigned certain patent assets, including the Patents-in-Suit, together with all rights of recovery related to those patent assets, to its wholly owned subsidiary, MTel, which is the plaintiff here.

3. In a widely publicized November, 2014 jury trial in this District, MTel was awarded favorable infringement and validity verdicts against Apple, Inc. on the ’403, ’210, and ’891 Patents.

4. MTel alleges, upon information and belief, that Bright House Networks, LLC is a limited liability company existing under the laws of Delaware, with a principal place of business at 5823 Widewaters Parkway, East Syracuse, New York 13057.

5. MTel alleges, upon information and belief, that Bright House Networks, LLC may be served with process by serving Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

6. MTel alleges that BHN made, used, sold, and offered to sell, infringing wireless equipment and services, during the terms of the ’403 Patent, the ’210 Patent, and the ’891 Patent (the “Relevant Period,”) within the United States and within this judicial district, the Eastern District of Texas (“this District”).

7. MTel alleges that BHN operated Wi-Fi networks within its customers’ premises and at thousands of hotspots during the Relevant Period.

8. During the Relevant Period, BHN provided its customers with customer-premises equipment, such as cable modems, wireless routers, and modem/wireless router gateways, which supported IEEE 802.11 a, g, n or ac standards (“Wi-Fi Enabled CPE.”)

9. MTel alleges that examples of Wi-Fi Enabled CPE that BHN provided to its customers include models made by ARRIS, Motorola, Cisco, Toshiba, SMC, Ubee, Netgear, and Thomson (now Technicolor).

10. BHN leased for a monthly fee (or bundled into its monthly charge for Internet service) Wi-Fi Enabled CPE to customers.

11. BHN's specially trained technicians set up Wi-Fi Enabled CPE, created the network, and enabled the best settings for Wi-Fi Enabled CPE leased by customers. BHN also provided full support for Wi-Fi Enabled CPE leased by customers 24 hours a day, 7 days a week.

12. MTel alleges that BHN directed its customers who wished to purchase, as opposed to lease, Wi-Fi Enabled CPE to a list of Wi-Fi Enabled CPE that it authorized for use on its systems.

13. BHN controlled the features and functionality of Wi-Fi Enabled CPE used in the delivery of its high speed data service, regardless as to whether such Wi-Fi Enabled CPE was purchased or leased by the customer.

14. BHN controlled the features and functionality of Wi-Fi Enabled CPE used in the delivery of its high speed data service by, for instance, causing software (*e.g.* firmware or updates) to be downloaded to Wi-Fi Enabled CPE and otherwise making configuration changes to Wi-Fi Enabled CPE.

15. During the Relevant Period, BHN provisioned and used Wi-Fi Enabled CPE in order to distribute to its customers its high speed data service, which it sold to customers.

16. BHN sold to its customers wireless Internet service, including a service referred to as Bright House Home Networking, which enabled its customers to enjoy BHN's wireless Internet access for all the Wi-Fi enabled devices in their homes.

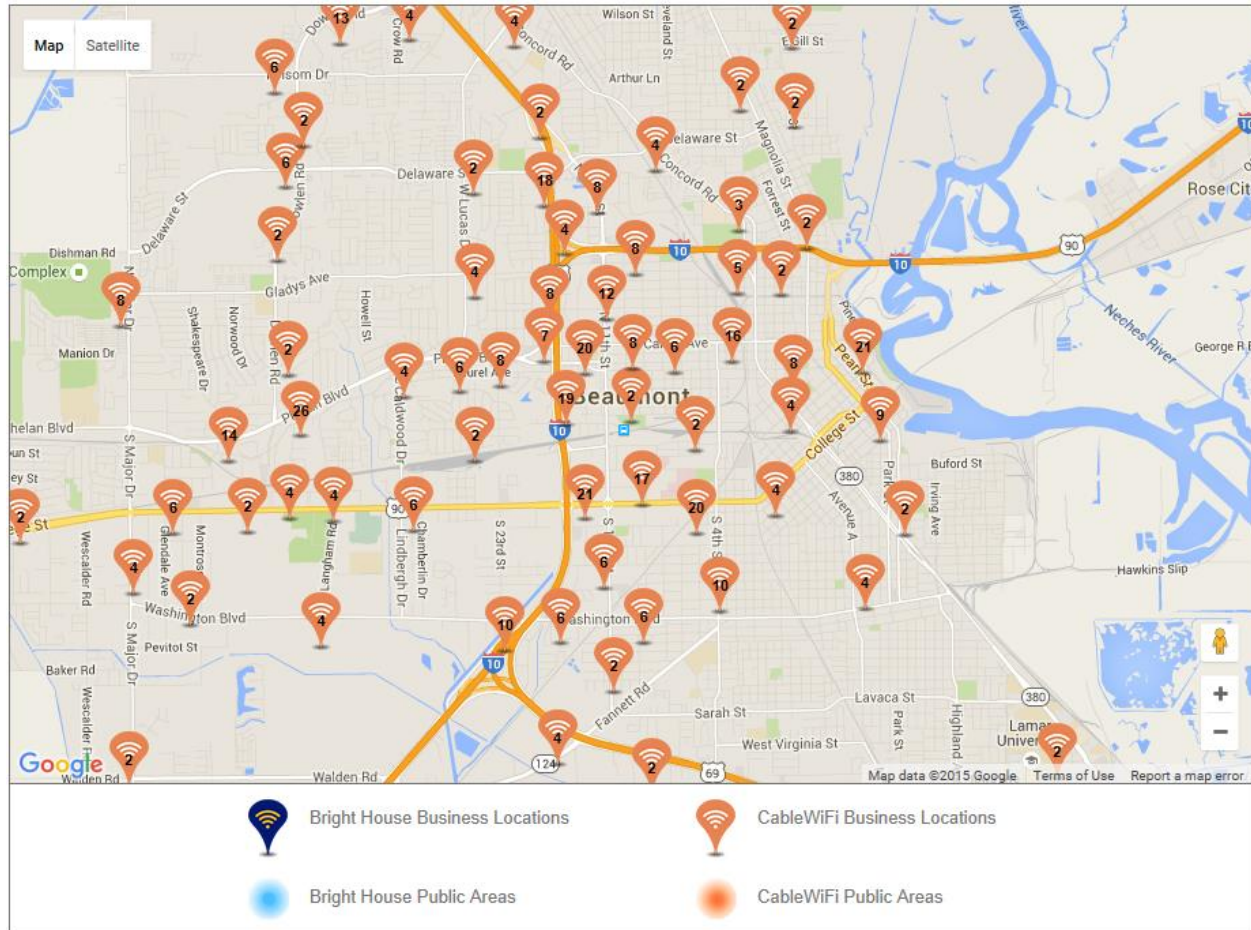
17. BHN used Wi-Fi Enabled CPE in order to provide home security and automation service (*e.g.* Bright House Home Security), which required its customers to subscribe to BHN high speed data service.

18. MTel alleges that BHN's used wireless access points that supported IEEE 802.11 a, g, n or ac standards ("Wi-Fi Enabled Access Points") in the operation of its public Wi-Fi service, such as BHN WiFi Hotspots.

19. On information and belief, BHN was party to an agreement among Bright House Networks, Cablevision, Comcast, and Cox Communications that allowed each other's high-speed Internet customers to access hotspots with the wireless network name "CableWiFi." See www.cablewifi.com.

20. BHN used its Wi-Fi Enabled Access Points to extend Wi-Fi service using the wireless network names: Bright House Networks, BHN Secure, and CableWiFi.

21. MTel alleges that BHN operated a public Wi-Fi service at tens of thousands of locations, including those within this District.



<http://brighthouse.com/shop/internet/wifi.html>

22. MTel alleges, upon information and belief, that during the Relevant Period, BHN used Wi-Fi Enabled Access Points to provide Wi-Fi service to customers within the range of thousands of hotspots, including those in this District.

23. BHN used Wi-Fi Enabled CPE and Wi-Fi Enabled Access Points in order to provide its streaming TV service, known as BHTV, to customers' wireless devices, such as smartphones, SMART TVs, and gaming systems, on which BHN's applications ran.

24. BHN designed, delivered, tested, and installed both in its facilities and on its customers' networks, applications designed for Wi-Fi access networks, Wi-Fi Enabled CPE, and Wi-Fi Enabled Access Points.

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