

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

**ERICSSON INC., AND
TELEFONAKTIEBOLAGET LM ERICSSON,**

Plaintiff,

vs.

APPLE, INC.,

Defendant.

Civil Action No. 6:22-cv-61

JURY TRIAL

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Ericsson Inc. and Telefonaktiebolaget LM Ericsson (collectively, “Ericsson”) file this Original Complaint for Patent Infringement against Apple, Inc. (“Apple”), and allege as follows:

NATURE OF THE ACTION

1. For more than four decades, Ericsson has pioneered the development of the modern cellular network. Ericsson develops and sells infrastructure equipment that makes up the backbone of modern networks; that is, the base stations and cell tower equipment that mobile phones communicate with. Major mobile network operators all over the world buy equipment and/or services from Ericsson. Ericsson manages networks that serve more than one billion subscribers globally, and Ericsson’s equipment is found in more than one hundred and eighty countries.

2. Ericsson is widely viewed as one of the leading innovators in the field of cellular communications. Due to the work of more than twenty-six thousand Ericsson research and

development employees, Ericsson's inventions are a valuable part of the fundamental technology used in phones and cellular networks worldwide, providing improved performance and new features for the benefit of consumers. Worldwide, more than forty percent of all mobile phone calls are made through Ericsson networks. Ericsson employs approximately ten thousand people in North America, including a substantial number of employees in the United States.

3. Ericsson has a long history of innovative technical contributions, including the Asserted Patents. In addition, some of Ericsson's other accomplishments include:

- 1878: Ericsson sold its first telephone;
- 1977: Ericsson introduced the world's first digital telephone exchange;
- 1981: Ericsson introduced its first mobile telephone system, NMT;
- 1991: Ericsson launched 2G mobile phones and the world's first 2G network;
- 1994: Ericsson invented Bluetooth wireless technology;
- 2001: Ericsson made the world's first 3G wireless call for Vodafone UK;
- 2009: Ericsson started the world's first 4G network and made the first 4G call;
- 2010: Ericsson equipment serving over two billion mobile subscribers;
- 2013: Ericsson serving 500+ cellular operators in 180+ countries;
- 2014: European Patent Office selected Ericsson inventors as finalists for the European Inventor Award, based on contributions to 4G/LTE;
- 2015: Former Ericsson engineer Jaap Haartsen was inducted into the National Inventors Hall of Fame for Bluetooth Wireless Technology;
- 2018: Ericsson had submitted over 10,000 technical contributions to 5G standards; and
- 2021 Ericsson USA 5G "Smart Factory" recognized as "Global Lighthouse" by the World Economic Forum.

4. As a result of its extensive research and development efforts, Ericsson has been awarded more than fifty-seven thousand patents worldwide.

5. Apple is the largest smartphone manufacturer in the United States and has in the past taken a license to Ericsson's patents. Apple first licensed Ericsson's patents in 2008 when it released the first iPhone. In 2015, Apple and Ericsson executed another global cross-license,

covering both parties' patents related to the 2G, 3G, and 4G cellular standards. Based on the expiration of those licenses, Apple is no longer licensed to Ericsson's patents.

THE PARTIES

6. Plaintiff Ericsson Inc. is a Delaware corporation with its principal place of business at 6300 Legacy Drive, Plano, Texas 75024.

7. Plaintiff Telefonaktiebolaget LM Ericsson is a corporation organized under the laws of the Kingdom of Sweden with its principal place of business at Torshamnsgatan 21, Kista, 164 83, Stockholm, Sweden.

8. Apple is a California corporation having a principal place of business located at 1 Infinite Loop, Cupertino, California 95014, and regular and established places of business at 12535 Riata Vista Circle, Austin, Texas and 5501 West Parmer Lane, Austin, Texas.

JURISDICTION AND VENUE

9. This is an action arising under the patent laws of the United States, 35 U.S.C. § 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

10. Venue is proper in this judicial district under 28 U.S.C. § 1400(b) because Defendant has committed acts of infringement and has a regular and established place of business in this District as set forth below.

11. Apple maintains an office in Austin, Texas at "West Parmer Lane and Riata Vista Circle, where most of its 7,000 Austin employees work." (*See* Apple checks in with 192-room hotel for billion-dollar Northwest Austin campus, CultureMap Austin (available at <https://austin.culturemap.com/news/city-life/05-20-20-apple-adds-surprising-element-to-1-billion-campus-in-northwest-austin/>.) This "1.1 million-square-foot campus, which was

completed in 2016, features seven office buildings on 38 acres” and “represents Apple’s largest hub outside its \$5 billion headquarters in Cupertino, California.” (*Id.*) In addition, Apple has stated that it has “has broken ground on its new \$1 billion, 3-million-square-foot campus” near its existing campus. (*See* <https://www.apple.com/newsroom/2019/11/apple-expands-in-austin/>.) This new campus “will initially house 5,000 employees, with the capacity to grow to 15,000, and is expected to open in 2022.” (*Id.*) All told, “Apple is poised to become Austin’s largest private employer in the not-too-distant future.” (*See* Apple checks in with 192-room hotel for billion-dollar Northwest Austin campus, CultureMap Austin.)

12. In addition to its Parmer Lane and Riata Vista campuses, Apple owns and operates at least five other physical places of business in this District. These include three retail spaces in Austin, one retail space in San Antonio, and one retail space in El Paso. In such retail spaces, Apple markets, sells, and services revenue directly from the products accused of infringement in this case.

13. In addition to the approximately 7,000 current employees in Austin, Apple’s Careers at Apple website currently lists over 600 jobs available in the Austin area, including 191 jobs related to its iPhone products. (*See* <https://jobs.apple.com/en-us/search?location=austin-AST>.)

14. This Court has personal jurisdiction over Apple. Apple has continuous and systematic business contacts with the State of Texas. In addition, Apple conducts its business extensively throughout Texas and derives substantial revenue in Texas, by shipping, distributing, offering for sale, selling, and advertising (including the provision of an interactive web page) its products and/or services in the State of Texas and the Western District of Texas. Apple has

purposefully and voluntarily placed in the stream of commerce one or more products and/or services that practice the Asserted Patents (as set forth in ¶¶ 15-22 below) with the intention and expectation that they will be purchased and used by consumers in the Western District of Texas.

THE ASSERTED PATENTS

15. U.S. Patent No. 7,151,430 (“the ’430 Patent”), entitled “Method of and Inductor Layout for Reduced VCO Coupling,” was duly and legally issued to inventor Thomas Mattsson on December 19, 2006. Ericsson owns by assignment the entire right, title, and interest in the ’430 patent and is entitled to sue for past and future infringement.

16. U.S. Patent No. 7,957,770 (“the ’770 Patent”), entitled “Mobile Communication Terminal for Providing Tactile Interface,” was duly and legally issued to inventors Hyunjun An, Ju-Nam Kim, and Min Hak Lee on June 7, 2011. Ericsson owns by assignment the entire right, title, and interest in the ’770 Patent and is entitled to sue for past and future infringement.

17. U.S. Patent No. 8,472,999 (“the ’999 Patent”), entitled “Method and System for Enabling Dual Standby State in a Wireless Communication System,” was duly and legally issued to inventor Xuejuan Zhang on June 25, 2013. Ericsson owns by assignment the entire right, title, and interest in the ’999 Patent and is entitled to sue for past and future infringement.

18. U.S. Patent No. 8,792,454 (“the ’454 Patent”), entitled “Secure and Seamless WAN-LAN Roaming,” was duly and legally issued to inventors Kenichi Taniuchi, Tao Zhang, Prathima Agrawal, Ashutosh Dutta, Sunil Madhani, Shinichi Baba, Kensaku Fujimoto, Yasuhiro Katsube, Toshikazu Kodama, and Yoshihiro Ohba on July 29, 2014. Ericsson owns by assignment the entire right, title, and interest in the ’454 Patent and is entitled to sue for past and future infringement.

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