

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

WIRELESS HANDOVER OY

Plaintiff,

v.

AT&T INC. ET AL.

Defendant.

Case No. 3:13-cv-507

PATENT CASE

JURY TRIAL DEMANDED

AMENDED COMPLAINT

Wireless Handover Oy files this Amended Complaint against AT&T Inc. and AT&T Mobility LLC for infringement of United States Patent No. 7,953,407.

THE PARTIES

1. Plaintiff Wireless Handover Oy (“WHO”) is a Finnish corporation with its principal place of business at Runkotie 7, 01730 Vantaa, Finland.

2. Defendant AT&T Mobility LLC (“Defendant”) is a Delaware Corporation with its principal place of business at 5565 Glenridge Connector, Suite 510, Atlanta, GA 30342. Defendant AT&T Inc. is a Delaware Corporation with its principal place of business at 208 S. Akard St., Dallas, TX 75202. The registered agent for service of process of both Defendant and AT&T Inc. in the State of Texas is CT Corporation System, 350 N. St. Paul St., Ste. 2900, Dallas, TX 75201-4234. The parties’ joint motion to substitute AT&T Mobility LLC for AT&T Inc. as defendant in this action is currently pending before the Court.

NATURE OF THE ACTION

3. This is a civil action for infringement of United States Patent No. 7,953,407 (the “Patent-in-Suit”), arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400(b) because Defendant has committed acts of infringement in this district, resides in this district, and is deemed to reside in this district for purposes of this action.

6. This Court has personal jurisdiction over Defendant and venue is proper in this district because Defendant has committed, and continues to commit, acts of infringement in the State of Texas, including in this district and/or has engaged in continuous and systematic activities in the State of Texas, including in this district.

THE PATENT-IN-SUIT

7. The Patent-in-Suit, entitled “Centralized Management of Telecommunications Parameters,” was duly and legally issued by the United States Patent and Trademark Office on May 31, 2011. A copy of the Patent-in-Suit is attached hereto as Exhibit A.

8. WHO is the exclusive owner of all rights, title, and interest in the Patent-in-Suit, including the right to exclude others and to enforce, sue and recover damages for past and future infringement thereof.

INFRINGEMENT OF THE PATENT-IN-SUIT

9. WHO incorporates paragraphs 1 through 8 by reference as if fully stated herein.

10. The Patent-in-Suit is valid and enforceable.

11. Defendant has directly infringed, and continues to directly infringe, one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(a), either literally and/or under the doctrine of equivalents, by making, using, selling, offering for sale, and/or importing products and/or methods that allow the management of telecommunications parameters in a telecommunications system according to the Patent-in-Suit.

12. Third parties, including Defendant's affiliates, agents, and customers, have since at least service of this suit infringed, and continue to infringe, one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(a), either literally and/or under the doctrine of equivalents, by using, selling, and/or offering for sale in the United States, and/or importing into the United States, products and/or methods supplied by Defendant.

13. Upon information and belief, based on the information presently available to WHO, and absent discovery, WHO contends that Defendant has since at least service of this suit induced infringement, and continues to induce infringement, of one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(b). Defendant has since at least service of this suit actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce, infringement of the Patent-in-Suit by making, using, importing, and selling or otherwise supplying products to third parties, including at a minimum its affiliates, agents, and customers, with the knowledge and intent that such third parties will use, sell, offer for sale, and/or import, products supplied by Defendant to infringe the Patent-in-Suit; and with the knowledge and intent to encourage and facilitate the infringement through the dissemination of the products and/or the creation and dissemination of promotional and marketing materials, supporting materials, instructions, product manuals, and/or technical information related to such products.

14. Upon information and belief, based on the information presently available to WHO, absent discovery, and in the alternative to direct infringement, WHO contends that since at least service of this suit Defendant has contributed, and continues to contribute, to the infringement by third parties (including at a minimum its affiliates and licensors) of one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(c) by selling, offering for sale, and/or importing Defendant's products, knowing that those products constitute a material part of the inventions of the Patent-in-Suit, knowing that those products are especially made or adapted to infringe the Patent-in-Suit, and knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

15. Defendant's 4G radio and data network is an example of an infringing product and/or method.

16. WHO put Defendant on notice of the Patent-in-Suit and Defendant's infringement thereof at least as early as the date of filing of this complaint.

17. WHO has been and continues to be damaged by Defendant's infringement of the Patent-in-Suit.

18. Defendant's actions complained of herein are causing irreparable harm and damages to WHO and will continue to do so unless and until Defendant is enjoined and restrained by the Court.

19. Defendant's conduct in infringing the Patent-in-Suit renders this case exceptional within the meaning of 35 U.S.C. § 285.

JURY DEMAND

20. Plaintiff WHO hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, WHO prays for judgment as follows:

- A. That Defendant has infringed one or more claims of the patent-in-suit;
- B. That Defendant account for and pay all damages necessary to adequately compensate WHO for infringement of the Patent-in-Suit; WHO's costs; and WHO's expenses, such damages to be determined by a jury, and that such damages be awarded to WHO with pre-judgment and post-judgment interest;
- C. That Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or actively participating with them, be permanently enjoined from directly or indirectly infringing the patent-in-suit; or, in the alternative, judgment that Defendant account for and pay to WHO an ongoing post-judgment royalty reflecting Defendant's deliberate continuing infringement;
- D. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that WHO be awarded the attorney fees, costs, and expenses that it incurs prosecuting this action; and
- E. That WHO be awarded such other and further relief as this Court deems just and proper.

DATED: June 5, 2013

Respectfully submitted,

/s/ Everett Upshaw
Everett Upshaw (Texas Bar No. 24025690)
Craig L. Uhrich (Texas Bar No. 24033284)
LAW OFFICE OF EVERETT UPSHAW, PLLC
13901 Midway Rd. Suite 102-208
Dallas TX 75244
F: 214.865.6086
P: 214.680.6005
everettupshaw@everettupshaw.com

P: 785.671.1237
craiguhrich@everettupshaw.com

/s/ Arthur I. Navarro
Arthur I. Navarro (Texas Bar No. 00792013)
Navarro Law Office, PC
PO Box 166851
Irving, TX 75016
P: 972.659.1275
art@navarroiplaw.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF FILING

I hereby certify that on June 5, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Respectfully submitted,

/s/ Everett Upshaw
Everett Upshaw (Texas Bar No. 24025690)
LAW OFFICE OF EVERETT UPSHAW, PLLC
13901 Midway Rd. Suite 102-208
Dallas TX 75244
F: 214.865.6086
P: 214.680.6005
everettupshaw@everettupshaw.com

ATTORNEY FOR PLAINTIFF