

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

	x	
AIP ACQUISITION LLC,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. _____
	:	
T-MOBILE US, INC., T-MOBILE USA, INC., and	:	
T-MOBILE NORTHEAST LLC,	:	JURY TRIAL DEMANDED
	:	
Defendants.	:	
	x	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff AIP Acquisition LLC (“AIP”) by way of this Complaint against T-Mobile US, Inc. (“T-Mobile US”), T-Mobile USA, Inc. (“T-Mobile USA”), T-Mobile Northeast LLC (“T-Mobile Northeast”), (collectively, “T-Mobile” or “Defendants”), hereby alleges with knowledge with respect to its own acts and upon information and belief with respect to all others:

PARTIES

1. AIP is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business at 2200 Fletcher Avenue, 5th Floor, Fort Lee, New Jersey 07024.

2. T-Mobile US is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 12920 Southeast 38th Street, Bellevue, Washington 98006. T-Mobile US may be served with process via its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

3. T-Mobile USA is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 12920 Southeast 38th Street, Bellevue,

Washington 98006. T-Mobile USA may be served with process via its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

4. T-Mobile Northeast is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 59 North Street Tower, Bethlehem, Pennsylvania 18018. T-Mobile Northeast may be served with process via its registered agent, Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

JURISDICTION AND VENUE

5. This is a civil action for patent infringement arising under 35 U.S.C. §§ 100, *et seq.*, and in particular § 271.

6. This Court has exclusive subject matter jurisdiction over this action under 28 U.S.C. § 1338(a).

7. This Court has personal jurisdiction over Defendants because they are incorporated under the laws of the State of Delaware. Further, upon information and belief, T-Mobile has conducted and does conduct regular and ongoing business in Delaware. In addition, directly or through intermediaries (including distributors, agents, retailers, subsidiaries, affiliates, and others), T-Mobile has committed acts of patent infringement in Delaware, including making, using, offering for sale, and/or selling infringing communications services in Delaware.

8. Venue is proper under 28 U.S.C. §§ 1391(b) and 1400(b) because Defendants reside in this judicial district. In addition, Defendants regularly conduct business in Delaware and have made, used, offered to sell, and sold, and/or continue to make, use, offer to sell, and/or sell products and/or services within Delaware, including without limitation, communications services which, upon information and belief, infringe AIP's patent in this District.

FACTUAL BACKGROUND

AIP and the '879 Patent

9. The members of AIP are former shareholders of Arbinet Corporation (“Arbinet”). Arbinet, a public company, was founded in 1996 by Alex Mashinsky, an entrepreneur and named inventor on over fifty patent applications. Since then, Mr. Mashinsky has launched several other successful telecommunications and transportation companies, including Transit Wireless, the exclusive provider of certain wireless services to commuters in the New York City subway system.

10. Arbinet is a leading wholesale international voice and data communications service provider, operating an electronic market for cost-effective and efficient trading, routing, and settling of communications capacity. Arbinet owned a significant telecommunications patent portfolio, including a number of Mr. Mashinsky’s patents.

11. In late 2010, Arbinet was acquired by another entity. Subsequently, a majority of Arbinet shareholders organized AIP, and acquired Arbinet’s portfolio of patents and patent applications. The patent in suit is part of this portfolio.

12. One of AIP’s communications patents is at issue here. This patent concerns methods and systems for efficient communication and call processing. Mr. Mashinsky is the named inventor on this patent.

13. On May 25, 2010, the United States Patent and Trademark Office issued United States Patent No. 7,724,879 (“the ’879 Patent”) on the communication between two telecommunication nodes involving a transmission that includes, *e.g.*, a call setup request or signaling messages in a telecommunication protocol over a telephone network; converting the transmission to an internet protocol; transmitting the transmission over a data network;

converting the transmission to a telecommunication protocol; and transmitting the transmission to the second telecommunication node. The '879 Patent is entitled EFFICIENT COMMUNICATION THROUGH NETWORKS. A copy of the '879 Patent is attached as Exhibit A.

14. AIP is the assignee of the '879 Patent.

T-Mobile's Infringing Services

15. Defendants individually, or with others, make, use, offer for sale, and/or sell within the United States at least the following infringing communications services: T-Mobile wireless services.

16. The communications services identified in Paragraph 15 provide communication between two telecommunication nodes involving a transmission that includes a call setup request or signaling messages in a telecommunication protocol over a telephone network; converting the transmission to an internet protocol; transmitting the transmission over a data network; converting the transmission to a telecommunication protocol; and transmitting the transmission to the second telecommunication node.

17. Discovery may show that Defendants individually, or with others, make, use, offer for sale, and/or sell additional infringing communications services.

**COUNT I
(Infringement of '879 Patent)**

18. AIP repeats and re-alleges Paragraphs 1-17 as if fully set forth herein.

19. Defendants, through at least the services identified in Paragraph 15, have been and still are infringing the '879 Patent under at least 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, offering to sell, and selling the invention of one or more claims of the '879 Patent, including at least Claim 1 of the '879 Patent.

20. As a direct and proximate result of Defendants' acts of infringement, AIP has been, is being, and will be damaged. Consequently, AIP is entitled to compensation for its damages from Defendants under 35 U.S.C. § 284 in an amount that cannot presently be quantified but will be ascertained through discovery or at trial.

DEMAND FOR JURY TRIAL

AIP requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, AIP respectfully asks the Court for the following relief:

- (i) A judgment declaring that T-Mobile has infringed the '879 Patent as alleged herein;
- (ii) A judgment awarding AIP damages under 35 U.S.C. § 284;
- (iii) A judgment and order granting supplemental damages for any continuing post-verdict infringement up until entry of the final judgment with an accounting as needed;
- (iv) A judgment and order awarding AIP pre-judgment and post-judgment interest on the damages awarded; and
- (v) Such other and further relief as the Court deems just and equitable.

Dated: April 22, 2014

BAYARD, P.A.

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