

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

)	
ADAPTIX, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	
ERICSSON, INC. ,)	
TELEFONAKTIEBOLAGET)	
LM ERICSSON, T-MOBILE USA, INC)	
)	
)	
Defendants.)	
)	

Civil Action No. 6:14-cv-503

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which plaintiff, ADAPTIX, Inc. (“ADAPTIX”), complains against defendants, Ericsson, Inc. (“Ericsson”), Telefonaktiebolaget LM Ericsson (“LM Ericsson”), and T-Mobile USA, Inc. (“T-Mobile”).

THE PARTIES

1. ADAPTIX is a Delaware corporation with its principal place of business in the Eastern District of Texas at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093
2. On information and belief, Ericsson, Inc. (“Ericsson”) is a Delaware corporation with its headquarters and principal place of business at 6300 Legacy Drive, Plano, Texas 75024. Ericsson’s registered agent for service of process in Texas is Capitol Corporate Services, Inc., 800 Brazos, Suite 400, Austin, Texas 78701.
3. On information and belief, Telefonaktiebolaget LM Ericsson (“LM Ericsson”) is a Swedish corporation with its principal place of business at Torshamsgatan 23, Kista, 164

83 Stockholm, Sweden. Upon information and belief, LM Ericsson does not have a registered agent for service of process in Texas.

4. On information and belief, T-Mobile is a Delaware corporation with a principal place of business at 12920 SE 38th Street, Bellevue, Washington 98006. T-Mobile also regularly conducts business in this judicial district, including at 601 W. 15th St., Suite 102, Plano, Texas 75075, 811 N. Central Expressway, Suite 2305, Plano, Texas 75075 and 1110 Parker Road East, Suite C, Plano, Texas 75074. T-Mobile's registered agent for service of process in Texas is Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

5. Ericsson, LM Ericsson and T-Mobile may be collectively referred to herein as "the Defendants."

JURISDICTION AND VENUE

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

7. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b, c) and 1400(b). On information and belief, each Defendant has purposely transacted business in this Judicial District and has committed acts of direct and/or indirect infringement in this Judicial District.

8. On information and belief, each Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (A) at least part of their infringing activities alleged herein, and (B) regularly doing or soliciting business, engaging in

others persistent causes of conduct, and/or deriving substantial revenue from goods and services provided to persons and other entities in Texas and this Judicial District.

COUNT I

(INFRINGEMENT OF U.S. PATENT NO. 7,146,172)

9. ADAPTIX is the owner by assignment of United States Patent No. 7,146,172, entitled “MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND SWITCHING” (“the ‘172 patent”) with ownership of all substantial rights in the ‘172 patent, including the right to exclude others and to sue and recover damages for the past and future infringement thereof. A true and correct copy of the ‘172 patent is attached as Exhibit A.

10. On information and belief, Ericsson and LM Ericsson are jointly, directly and/or indirectly infringing at least one claim of the ‘172 patent in this Judicial District and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of products which, at a minimum, directly infringe the ‘172 patent. Ericsson and LM Ericsson are thereby liable for infringement of the ‘172 patent pursuant to 35 U.S.C. § 271 and their infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until Ericsson and LM Ericsson are enjoined.

11. On information and belief, T-Mobile is directly and/or indirectly infringing at least one claim of the ‘172 patent in this Judicial District and elsewhere in Texas and the United States by, among other things using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of

Ericsson products which, at a minimum, directly infringe the '172 patent. T-Mobile is thereby liable for infringement of the '172 patent pursuant to 35 U.S.C. § 271 and its infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until T-Mobile is enjoined.

12. On information and belief, the Defendants directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with Defendants' instructions directly infringe one or more claims of the '172 patent in violation of 35 U.S.C. § 271.

13. The infringement by each Defendant identified in this Count has caused irreparable injury to ADAPTIX for which remedies at law are inadequate. Considering the balance of the hardships between the parties, a remedy in equity, such as a permanent injunction is warranted and such a remedy would be in the public interest.

14. T-Mobile is also a Defendant in *ADAPTIX, Inc. v. T-Mobile* in Case No. 6:12-cv-369, which alleges infringement of the '172 patent. T-Mobile has thus been on notice of its infringement since at least the filing of the Complaint in that matter, on June 5, 2012.

15. Ericsson and LM Ericsson are also Defendants in *ADAPTIX, Inc. v. Ericsson Inc., et al.*, Case No. 6:13-cv-49, which alleges infringement of the '172 patent. Ericsson and LM Ericsson have thus been on notice of their infringement since at least the filing of the Complaint in that matter, on January 10, 2013.

COUNT II

(INFRINGEMENT OF U.S. PATENT NO. 6,904,283)

16. ADAPTIX is the owner by assignment of United States Patent No. 6,904,283 entitled “MULTI-CARRIER COMMUNICATIONS WITH GROUP-BASED SUBCARRIER ALLOCATION” (“the ‘283 patent”) with ownership of all substantial rights in the ‘283 patent, including the right to exclude others and to sue and recover damages for the past and future infringement thereof. A true and correct copy of the ‘283 patent is attached as Exhibit B.

17. On information and belief, Ericsson and LM Ericsson are jointly, directly and/or indirectly infringing at least one claim of the ‘283 patent in this Judicial District and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of products which, at a minimum, directly infringe the ‘283 patent. Ericsson and LM Ericsson are thereby liable for infringement of the ‘283 patent pursuant to 35 U.S.C. § 271 and their infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until Ericsson and LM Ericsson are enjoined.

18. On information and belief, T-Mobile is directly and/or indirectly infringing at least one claim of the ‘283 patent in this Judicial District and elsewhere in Texas and the United States by, among other things using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of Ericsson products which, at a minimum, directly infringe the ‘283 patent. T-Mobile is thereby liable for infringement of the ‘283 patent pursuant to 35 U.S.C. § 271 and its infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until T-Mobile is enjoined.

19. On information and belief, the Defendants directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with Defendants' instructions directly infringe one or more claims of the '283 patent in violation of 35 U.S.C. § 271.

20. The infringement by each Defendant identified in this Count has caused irreparable injury to ADAPTIX for which remedies at law are inadequate. Considering the balance of the hardships between the parties, a remedy in equity, such as a permanent injunction is warranted and such a remedy would be in the public interest.

21. T-Mobile is also a Defendant in *ADAPTIX, Inc. v. T-Mobile* in Case No. 6:12-cv-369, which alleges infringement of the '283 patent. T-Mobile has thus been on notice of its infringement since at least the filing of the Complaint in that matter, on June 5, 2012.

22. Ericsson and LM Ericsson are also Defendants in *ADAPTIX, Inc. v. Ericsson Inc., et al.*, Case No. 6:13-cv-49, which alleges infringement of the '283 patent. Ericsson and LM Ericsson have thus been on notice of their infringement since at least the filing of the Complaint in that matter, on January 10, 2013.

COUNT III

(INFRINGEMENT OF U.S. PATENT NO. 6,870,808)

23. ADAPTIX is the owner by assignment of United States Patent No. 6,870,808, entitled "CHANNEL ALLOCATION IN BROADBAND ORTHOGONAL FREQUENCY-DIVISION MULTIPLEACCESS/SPACEDIVISION MULTIPLE-ACCESS NETWORKS" ("the '808 patent") with ownership of all substantial rights in the '808 patent, including the

right to exclude others and to sue and recover damages for the past and future infringement thereof. A true and correct copy of the '808 patent is attached as Exhibit C.

24. On information and belief, Ericsson and LM Ericsson are jointly, directly and/or indirectly infringing at least one claim of the '808 patent in this Judicial District and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of products which, at a minimum, directly infringe the '808 patent. Ericsson and LM Ericsson are thereby liable for infringement of the '808 patent pursuant to 35 U.S.C. § 271 and their infringement has caused damage to ADAPTIX, which infringement by Defendants and damage to ADAPTIX will continue unless and until Ericsson and LM Ericsson are enjoined.

25. On information and belief, T-Mobile is directly and/or indirectly infringing at least one claim of the '808 patent in this Judicial District and elsewhere in Texas and the United States by, among other things using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of Ericsson products which, at a minimum, directly infringe the '808 patent. T-Mobile is thereby liable for infringement of the '808 patent pursuant to 35 U.S.C. § 271 and its infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until T-Mobile is enjoined.

26. On information and belief, Defendants directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such

systems and components thereof in accordance with defendants' instructions directly infringe one or more claims of the '808 patent in violation of 35 U.S.C. § 271.

27. The infringement by each Defendant identified in this Count has caused irreparable injury to ADAPTIX for which remedies at law are inadequate. Considering the balance of the hardships between the parties, a remedy in equity, such as a permanent injunction is warranted and such a remedy would be in the public interest.

28. T-Mobile is also a Defendant in *ADAPTIX, Inc. v. T-Mobile* in Case No. 6:12-cv-369, which alleges infringement of the '808 patent. T-Mobile has thus been on notice of its infringement since at least the filing of the Complaint in that matter, on June 5, 2012.

29. Ericsson and LM Ericsson are also Defendants in *ADAPTIX, Inc. v. Ericsson Inc., et al.*, Case No. 6:13-cv-50, which alleges infringement of the '808 patent. Ericsson and LM Ericsson have thus been on notice of their infringement since at least the filing of the Complaint in that matter, on January 10, 2013.

PRAYER FOR RELIEF

Wherefore, ADAPTIX respectfully requests that this Court enter:

A. Judgment in favor of ADAPTIX that each Defendant has infringed the '172, '283 and '808 patents as aforesaid;

B. A permanent injunction enjoining each Defendant, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents and all others acting in active concert or privity therewith from direct, indirect and/or joint infringement of the '172, '283 and '808 patents pursuant to 35 U.S.C. § 283;

C. Judgment and order requiring each Defendant to pay ADAPTIX its damages with pre- and post-judgment interest thereon pursuant to 35 U.S.C. § 284;

D. Any and all further relief to which the Court may deem ADAPTIX entitled.

DEMAND FOR JURY TRIAL

ADAPTIX requests a trial by jury on all issues so triable by right pursuant to Fed. R.

Civ. P. 38.

Date: May 20, 2014

ADAPTIX, INC.

By: */s/ Paul J. Hayes*

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