

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

FREQUENCY SYSTEMS, LLC,

Plaintiff,

v.

D-LINK SYSTEMS, INCORPORATED,

Defendant.

**Civil Action No. \_\_\_\_\_**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Frequency Systems, LLC (“Frequency” or “Plaintiff”) makes the following allegations against D-Link Systems, Incorporated (“D-Link” or “Defendant”).

**NATURE OF THE ACTION**

1. This is a patent infringement action to stop Defendant’s infringement of United States Patent No. 8,417,205 (the “’205 Patent”) (“the Patent-in-Suit”).

**PARTIES**

1. Plaintiff Frequency is a Texas limited liability company with its principal place of business at 211 East Tyler Street, Suite 600-A, Longview, Texas 75601.

2. On information and belief, Defendant D-Link is a California corporation with its principal place of business at 17595 Mount Herrmann Street, Fountain Valley, California 92708. On information and belief, Defendant may be served with process at 17595 Mount Herrmann Street, Fountain Valley, California 92708.

### **JURISDICTION AND VENUE**

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

4. The Court has personal jurisdiction over Defendant, including because Defendant has minimum contacts within the State of Texas and the Eastern District of Texas; Defendant has purposely availed itself of the privileges of conducting business in the State of Texas and the Eastern District of Texas; Defendant regularly conducts business within the State of Texas and the Eastern District of Texas; and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and the Eastern District of Texas.

5. On information and belief, within the State of Texas and the Eastern District of Texas, Defendant has made and/or used the patented invention with the wireless transceiver products identified herein below. In addition, on information and belief, Defendant has derived substantial revenues from its infringing activities within the State of Texas and the Eastern District of Texas.

6. More specifically, Defendant, directly and/or through intermediaries, makes, distributes, imports, offers for sale, sells, advertises, and/or uses, wireless transceivers, including wireless access point or routing devices, including the accused products identified herein in the State of Texas and the Eastern District of Texas. Defendant has committed patent infringement in the State of Texas and the Eastern District of Texas, and/or has induced others to commit and/or has contributed to patent infringement in the State of Texas and the Eastern District of Texas. Defendant solicits customers in the State of Texas and the Eastern District of Texas. Defendant has paying customers who are residents of the State of Texas and the Eastern District

of Texas and who purchase and/or use Defendant's infringing products and services in the State of Texas and the Eastern District of Texas.

7. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed acts of patent infringement in this district.

**COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 8,417,205**

8. Plaintiff is the owner by assignment of the '205 Patent entitled "Antenna Selection Scheme for Multiple Antennae" – including all rights to recover for past and future acts of infringement. The '205 Patent was issued on April 9, 2013. A true and correct copy of the '205 Patent is attached as Exhibit A.

9. On information and belief, Defendant has been and now is directly infringing the '205 Patent in this judicial district and elsewhere in the United States. Infringement by Defendant includes, without limitation, making, distributing, selling, advertising and/or using one or more wireless transceivers that, in order to mitigate signal deterioration during wireless communications, utilize a plurality of antennae from which an antenna or set of antennae functioning as one must be selected to perform the wireless communication, using at least one quality indicator to determine which antenna(e) to utilize, including, without limitation, Defendant's DIR wireless routing and DAP MediaBridge/Access Point product families ("Accused Products"), infringing at least claim 1 of the '205 Patent. Defendant is thus liable for infringement of the '205 Patent under 35 U.S.C. § 271.

10. Each of Defendant's aforesaid activities has been without authority and/or license from Plaintiff.

11. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this court under 35 U.S.C. § 284.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment:

1. In favor of Plaintiff that Defendant has infringed the '205 Patent;
2. Requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '205 Patent as provided under 35 U.S.C. § 284; and
3. Granting Plaintiff any and all other relief to which Plaintiff may show itself to be entitled.

### **DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: May 8, 2015

Respectfully submitted,

By: /s/ Andrew W. Spangler  
Andrew W. Spangler  
TX SB # 24041960  
SPANGLER LAW P.C.  
208 N. Green Street, Suite 300  
Longview, Texas 75601  
Telephone: 903-753-9300  
Facsimile: 903-553-0403  
spangler@spanglerlawpc.com

*Attorney for Frequency Systems, LLC*