

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

INTELLECTUAL VENTURES I LLC,

Plaintiff,

v.

T-MOBILE USA, INC.; T-MOBILE US, INC.

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Intellectual Ventures I LLC (“Intellectual Ventures I”), for its Complaint against Defendants T-Mobile USA, Inc. and T-Mobile US, Inc. (d/b/a/ T-Mobile US, Inc.) (collectively, “T-Mobile”), hereby alleges as follows:

PARTIES

1. Intellectual Ventures I is a Delaware limited liability company with its principal place of business located in Bellevue, Washington.
2. Defendant T-Mobile US, Inc., formerly named MetroPCS Communications, Inc., is a Delaware corporation, with its principal place of business at 12920 SE 38th Street, Bellevue, Washington 98006. T-Mobile US, Inc. is the U.S. wireless operation of Deutsche Telekom AG.
3. Defendant T-Mobile USA, Inc., a wholly-owned subsidiary of T-Mobile US, Inc., is a Delaware corporation, with its principal place of business at 12920 SE 38th Street, Bellevue, Washington 98006.

NATURE OF THE ACTION

4. This is a civil action for the infringement of U.S. Patent No. 5,960,032 under the Patent Laws of the United States, 35 U.S.C. § 1 et seq.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 et seq.

6. This Court has personal jurisdiction over T-Mobile because it has committed acts of infringement in this District in violation of 35 U.S.C. § 271, and has placed infringing products into the stream of commerce with the knowledge and/or understanding that such products are used and sold in this District. These acts have caused and continue to cause injury to Intellectual Ventures I within the District. T-Mobile derives substantial revenue from the sale of infringing services and products distributed within the District, and/or expects or should reasonably expect its actions to have consequences within the District, and derives substantial revenue from interstate and international commerce.

7. T-Mobile maintains places of business within the District from which they sell products or services to residents of the District. Additionally, T-Mobile provides telecommunications services to customers through base stations, switching equipment and other components of their telecommunications networks, which are located in the District.

8. Further, T-Mobile is subject to this Court's jurisdiction by virtue of its incorporation in Delaware and its availing itself of the laws and protections of this District.

9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE '0032 PATENT

10. Paragraphs 1-9 are reincorporated by reference as if fully set forth herein.

11. On September 28, 1999, United States Patent No. 5,960,032 (“the ’0032 Patent”), titled “High Speed Data Transmission Using Expanded Bit Durations in Multiple Parallel Coded

Data Streams,” was duly and lawfully issued by the PTO. A true and correct copy of the ’0032 Patent is attached hereto as Exhibit A.

12. Intellectual Ventures I is the owner of all rights, title, and interest in the ’0032 Patent, including the right to sue for and recover both future and past damages for infringement thereof.

FACTUAL BACKGROUND

Intellectual Ventures

13. Intellectual Ventures Management, LLC (“Intellectual Ventures”) was founded in 2000. Since its founding, Intellectual Ventures has been deeply involved in the business of invention. Intellectual Ventures creates inventions and files patent applications for those inventions; collaborates with others to develop and patent inventions; and acquires and licenses patents from individual inventors, universities, and other institutions. A significant aspect of Intellectual Ventures’ business is managing Intellectual Ventures I.

14. Intellectual Ventures’ business includes purchasing important inventions from individual inventors and institutions and then licensing the inventions to those who need them. Through this business, Intellectual Ventures allows inventors to reap a financial reward from their innovations, a frequently difficult task for individual inventors. To date, Intellectual Ventures has acquired more than 70,000 patent assets, and, in the process, has paid inventors hundreds of millions of dollars for their inventions. Intellectual Ventures, in turn, has earned more than \$3 billion by licensing these patents to some of the world’s most innovative and successful technology companies who continue to use them to make computer equipment, software, semiconductor devices, consumer products, and a host of other products.

15. Intellectual Ventures also develops its own inventions. Intellectual Ventures has a staff of scientists and engineers who develop ideas in a broad range of fields, including

agriculture, computer hardware, life sciences, medical devices, semiconductors, and software. Intellectual Ventures has invested millions of dollars developing such ideas and has filed hundreds of patent applications on its inventions every year, making it one of the top patent filers in the world. Intellectual Ventures also has invested in laboratory facilities to assist with the development and testing of new ideas.

16. Intellectual Ventures also develops inventions by collaborating with inventors and research institutions around the world. For example, Intellectual Ventures has developed inventions by selecting a technical challenge, requesting proposals for inventions to solve the challenge from inventors and institutions, selecting the most promising ideas, rewarding the inventors and institutions for their contributions, and filing patent applications on the ideas. Intellectual Ventures has invested millions of dollars in this way and has created a network of more than 4,000 inventors worldwide.

T-Mobile

17. T-Mobile is in the business of selling and offering for sale mobile phones and wireless phone services to customers throughout the United States, including the state of Delaware.

COUNT I

(Infringement of the '0032 Patent)

18. Paragraphs 1-17 are incorporated by reference as if fully restated herein.

19. T-Mobile has infringed the '0032 Patent, literally and/or under the doctrine of equivalents, by using or performing one or more of the method claims of the '0032 Patent without authority and in violation of 35 U.S.C. § 271(a). Among the infringing services are cellular services that use spread spectrum channel coding.

20. Intellectual Ventures I has suffered damage as a result of T-Mobile's infringement of the '0032 Patent.

PRAYER FOR RELIEF

WHEREFORE, Intellectual Ventures I respectfully requests the following relief:

- a) A judgment that U.S. Patent No. 5,960,032 is valid and enforceable;
- b) A judgment that T-Mobile has infringed the '0032 Patent;
- c) An order enjoining T-Mobile and its officers, agents, servants and employees, privies, and all persons in active concert or participation with it, from further infringement of the '0032 Patent; and
- d) A judgment that Intellectual Ventures I be awarded all appropriate damages under 35 U.S.C. § 284 for T-Mobile's past infringement, and any continuing or future infringement of the '0032 Patent, up until the date such judgment is entered, including pre and post judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary to adequately compensate Intellectual Ventures I for T-Mobile's infringement, an accounting:
 - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Intellectual Ventures I be awarded its reasonable attorneys' fees that it incurs in prosecuting this action;
 - ii. that Intellectual Ventures I be awarded costs and expenses that it incurs in prosecuting this action; and
 - iii. that Intellectual Ventures I be awarded such further relief at law or in equity as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Intellectual Ventures I hereby demands trial by jury on all claims and issues so triable.

DATED: September 9, 2015

Respectfully submitted,

OF COUNSEL:

Martin J. Black -- LEAD ATTORNEY
DECHERT LLP
Cira Centre 2929 Arch Street
Philadelphia, PA 19104
(215) 994-4000
martin.black@dechert.com

Jeffrey B. Plies
DECHERT LLP
300 W. 6th Street
Suite 2010
Austin, TX 78701
(512) 394-3000
jeffrey.plies@dechert.com

Stephen J. Akerley
Justin F. Boyce
DECHERT LLP
2440 W. El Camino Real Suite 700
Mountain View, CA 94040-1499
(650) 813-4800
stephen.akerley@dechert.com
justin.boyce@dechert.com

FARNAN LLP

/s/ Brian E. Farnan
Brian E. Farnan (Bar No. 4089)
Michael J. Farnan (Bar No. 5165)
919 North Market Street, 12th Floor
Wilmington, Delaware 19801
(302) 777-0300
(302) 777-0301 (Fax)
bfarnan@farnanlaw.com
mfarnan@farnanlaw.com

Counsel for Plaintiff Intellectual Ventures I LLC