

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

ADAPTIX, INC.,  
Plaintiff,

v.

AT&T, INC. and AT&T MOBILITY, LLC,  
Defendants.

Case No. 6:15-cv-1139

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL REQUESTED**

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**COMPLAINT**

This is an action for patent infringement in which Plaintiff, ADAPTIX, Inc. (“ADAPTIX”), complains against Defendants, AT&T, Inc. (“AT&T”), and AT&T Mobility, LLC (“AT&T Mobility”), (collectively, “Defendants”) as follows:

**THE PARTIES**

1. ADAPTIX, Inc. is a Delaware corporation, with its principal place of business at 2400 Dallas Parkway, Suite 200, Plano, TX 75093.

2. AT&T, Inc. is a Delaware corporation with its principal place of business at 208 South Akard Street, Dallas, Texas 75202. It regularly does business in Texas and in this judicial district by, among other things, committing the infringing acts giving rise to this Complaint.

3. AT&T Mobility, LLC is a Delaware corporation with its principal place of business at Glenridge Highlands Two, 5565 Glenridge Connector, Atlanta, Georgia 30342. It regularly does business in this judicial district at 701 N. Central Expressway, Plano, Texas 75075 by, among other things, committing the infringing acts giving rise to this Complaint.

**JURISDICTION AND VENUE**

4. This cause of action arises under the patent laws of United States of America, Title 35 of the United States Code, 35 U.S.C. §§101, *et seq.*, and, in particular, 35 U.S.C. §§271.

This Court thus has subject matter jurisdiction under 28 U.S.C. §§1331 and 1338(a).

5. Defendants are subject to this Court's specific and general personal jurisdiction, pursuant to due process and/or the Texas Long Arm Statute.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b-c) and 1400(b) because Defendants, inter alia, regularly conduct business in and have committed the acts giving rise to this action within this judicial district.

**COUNT I**  
**(INFRINGEMENT OF U.S. PATENT NO. 9,203,553)**

7. ADAPTIX incorporates by reference paragraphs 1 through 6 herein.

8. This cause of action arises under the patent laws of United States of America and 35 U.S.C. §§ 271, et seq.

9. ADAPTIX is the owner, by assignment, of United States Patent No. 9,203,553, entitled "OFDMA with Adaptive Subcarrier-Cluster Configuration and Selective Loading" ("the '553 Patent"), with ownership of all substantial rights, including the right to exclude others and to sue and recover damages for infringement. A true and correct copy of the '553 Patent, which issued December 1, 2015, is attached as Exhibit A.

10. AT&T has directly infringed, and continues to directly infringe, at least Claims 1 and 12 of the '553 Patent by, among other things, using certain LTE cellular base stations, including the 9412 eNodeB Compact, 9460 Pico, 9926 Distributed Base Station, 9442 Remote Radio Head, lightRadio 9711 Indoor Base Station for LTE, lightRadio 9712 Outdoor Base Station for LTE, and 9760 Small Cells, including the 9764 Metro Cell Outdoor LTE and the 9768 Metro Radio Outdoor, to operate its 4G LTE Wireless Network. AT&T thus infringes the '553 Patent under 35 U.S.C. §271(a).

11. AT&T has indirectly infringed, and continues to indirectly infringe, at least Claim 12 of the '553 Patent by, among other things, actively inducing the offering for sale, selling, or importation of the accused LTE cellular base stations by the manufacturer of those base stations, including the 9412 eNodeB Compact, 9460 Pico, 9926 Distributed Base Station, 9442 Remote Radio Head, lightRadio 9711 Indoor Base Station for LTE, lightRadio 9712 Outdoor Base Station for LTE, and 9760 Small Cells, including the 9764 Metro Cell Outdoor LTE and 9768 Metro Radio Outdoor.

12. AT&T has notice of the '553 Patent. By the time of trial, AT&T will have known and intended (since receiving such notice) that its continued actions would actively induce actual infringement of at least Claim 12 of the '553 Patent. AT&T thereby has liability for infringement of the '553 Patent under 35 U.S.C. §271(b).

13. ADAPTIX has been reparably and irreparably damaged by AT&T's infringing conduct. AT&T is thus liable to ADAPTIX for an amount that adequately compensates ADAPTIX for AT&T's infringement, 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. Additionally, that irreparable damage will continue until AT&T is enjoined pursuant to 35 U.S.C. §283.

**PRAYER FOR RELIEF**

Wherefore, ADAPTIX respectfully requests that this Court enter:

a) Judgment in favor of ADAPTIX that AT&T have infringed the '553 Patent, directly and indirectly;

b) A permanent injunction enjoining AT&T, their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or privity with them from infringement of the '553 Patent, under 35 U.S.C. §283;

- c) An order requiring AT&T to pay ADAPTIX damages, with pre- and post-judgment interest, under 35 U.S.C. §284;
  - d) A determination that this case is exceptional under 35 U.S.C. §285;
  - e) An order awarding ADAPTIX attorneys' fees and costs under 35 U.S.C. §287;
- and
- f) Any and all further relief to which the Court deems ADAPTIX entitled.

**DEMAND FOR JURY TRIAL**

ADAPTIX hereby requests a trial by jury on all issues so triable by right under Fed. R. Civ. P. 38.

Dated: December 7, 2015

Respectfully submitted,

By: /s/ Paul J. Hayes

Paul J. Hayes

James J. Foster

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