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18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**
20 **SOUTHERN DIVISION**

21 ANTON INNOVATIONS, INC.,
22 Plaintiff,

23 v.

24 TCL COMMUNICATION
25 TECHNOLOGY HOLDINGS LIMITED,
26 Defendants.

27 CASE NO. _____

28 ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT

JURY TRIAL DEMANDED

1 Plaintiff Anton Innovations, Inc. (“Anton”) complains of Defendant TCL
2 Communication Technology Holdings Limited (“TCL”) as follows:

3 **I. JURISDICTION AND VENUE**

4 1. Title 28 of the United States Code Section 1338(a) confers subject-matter
5 jurisdiction on this Court because Defendant has infringed Plaintiff’s patents. The
6 Patent Act of 1952, as amended, 35 U.S.C. § 271, *et seq.*, makes patent infringement
7 illegal and actionable through a private cause of action.

8 2. Defendant has transacted business in the State of California and in this
9 judicial district by making, using, selling, or offering to sell and distributing products
10 that infringe Anton’s patents either in this judicial district or in the United States.

11 3. Venue is proper in the Central District of California under the general
12 federal venue statute, 28 U.S.C. § 1391(d), and under the specific venue provision
13 relating to patent-infringement cases, 28 U.S.C. § 1400(b).

14 **II. PARTIES**

15 4. Anton is a Delaware corporation with its principal place of business at
16 600 Anton Blvd. Suite 1350, Costa Mesa, California 92626. Anton is a subsidiary of
17 Wi-LAN Technologies Inc. Anton is the assignee and owns all right, title and interest
18 in and has standing to sue for infringement of U.S. Patent Nos. 7,386,322, 6,934,558,
19 6,134,453, and 5,854,985 (“the Anton Patents”). The predecessor owner and assignee
20 is MLR, LLC (“MLR”). The Anton Patents expired on December 15, 2013. Copies of
21 the Anton Patents are attached as Exhibit A.

22 5. TCL is a Chinese multinational corporation with its principal place of
23 business at 15/F, TCL Tower, Gaoxin Nan Yi Road, Nanshan District, Shenzhen,
24 Guangdong, P.R.C, Postal Code 518057. TCL has previously and is presently making,
25 using, selling, offering for sale, and/or importing into the United States portable
26 wireless products that infringe one or more claims of the MLR Patents. TCL has
27 infringed the MLR Patents either directly or through acts of contributory infringement
28 or inducement in violation of 35 U.S.C. § 271.

1 **III. BACKGROUND**

2 6. Anton owns patents that covered commercially significant technologies
3 related to the control of multi-mode, multi-frequency, and multi-protocol networks for
4 electronic communications devices. The Anton Patents, for example, covered portable
5 wireless devices, such as notebooks and system tablets, which can access different
6 cellular or wireless networks to facilitate wireless data communications.

7 7. Defendant sold notebooks and system tablets (among others, the accused
8 devices listed in Exhibit B to this Complaint) to people in the United States.
9 Defendant provided an alternative consumer choice for those interested in notebook
10 and tablet functionality. Defendant has sold many of these products.

11 8. Defendant has knowledge of the Anton patents and the infringement of
12 those patents. Defendants have known of the existence of the Anton patents for many
13 years prior to this lawsuit. On September 3, 2008, inventor/co-inventor (and President
14 of the predecessor-owner – MLR, LLC) Charles Leedom sent a notice of infringement
15 to Cellatel, the exclusive U.S. supplier of TCL’s mobile phones at that time. Cellatel
16 representatives indicated that Mr. Leedom should direct his notice to TCL, which he
17 did by letter to Steven Chiang dated December 22, 2008.

18 9. In the ensuing years, MLR and TCL exchanged correspondence
19 regarding TCL’s infringement and MLR’s offer to license the technology embodied in
20 the Anton Patents.

21 10. On June, 12, 2014, MLR sued TCL in the Northern District of Illinois.
22 After filing, MLR sought a waiver of service of process to avoid the expense of
23 service through the Hague Convention. Prior to the first status hearing in that case,
24 and despite the fact that TCL was a foreign corporation, the Court *sua sponte*
25 dismissed the complaint against TCL for failure to comply with Rule 4(m)’s time
26 requirements, even though Rule 4(m) on its face does not apply to service on foreign
27 corporations.

1 11. MLR re-filed as of right in its home forum, the Eastern District of
2 Virginia on May 22, 2015. Shortly thereafter, MLR began the process of service under
3 the Hague Convention.

4 12. On July 14, 2016, while service was pending, MLR assigned the patents
5 to Anton.

6 13. Soon thereafter, MLR learned that service *via* the Hague had failed
7 because official documents had indicated TCL's name as "TCL Communications
8 [plural] Limited" instead of "TCL Communication [singular] Limited."

9 14. On May 10, 2017, MLR moved for voluntary dismissal in light of the
10 failed Hague Service and the assignment to Anton. The Eastern District of Virginia
11 granted that motion to dismiss without prejudice two days later.

12 IV. PATENT INFRINGEMENT

13 15. Defendant infringed at least claims 1, 5, and 16 of the '322 Patent, claims
14 1, 7, and 8 of the '558 Patent, claim 1 of the '453 Patent, and claim 1 of the '985
15 Patent, among others, in violation of 35 U.S.C. § 271 by, among other activities,
16 making, using (for example by testing), offering to sell, and/or selling the computer
17 devices (including mobile phones, smart phones, laptops and notebooks) listed in
18 Exhibit B ("Accused Products," "Accused Devices," or "portable computer
19 products").

20 16. Defendant's customers (and Defendant, through product testing, among
21 other things) directly infringed the Anton Patents when using Defendant's portable
22 computer products.

1 **Direct Patent Infringement**

2 17. TCL made, used, sold, and offered for sale multi-modal devices that
3 contained frequency-agile and protocol-agile transceivers. These devices facilitated
4 communication over a plurality of wireless communication networks, operating at a
5 given time and location, using different frequencies and different protocols such as
6 different 802.11 network protocols (*e.g.* 802.11a, 802.11b, 802.11g and 802.11n) and
7 different broadband network protocols (*e.g.* GSM and UMTS). Each of the Accused
8 Products also contained the circuitry necessary to connect and facilitate the
9 identification, selection, and connection of the Accused Products to available wireless
10 communications networks. TCL's multi-modal devices include mobile phones and
11 smartphones, as well as notebook and tablet computers.

12 18. These Accused Products also included software that controlled the
13 manner in which the devices connected to different wireless communications
14 networks, such as the software included in the Google Android operating system that
15 was provided with the TCL computers, which software was capable of controlling
16 connections to various wireless communications networks in response to criteria
17 determined by the device user.

18 19. The mobile phone devices and some of these Wi-Fi capable portable
19 devices (laptops and tablets) were also supplied by TCL with wireless broadband
20 capability enabled by built-in wireless broadband modules and broadband connection
21 manager software (such as Android) that were adapted to access different cellular
22 networks using different frequencies and protocols.

23 20. An even more detailed, claim-element-by-claim-element explanation of
24 TCL's infringement of the Anton Patents is also included in the claim charts that
25 Anton's predecessor, MLR, sent to TCL, which charts are incorporated herein by
26 reference.

1 **Infringement of the '322 Patent**

2 21. Defendant has infringed at least claims 1, 5, and 16 of the '322 Patent in
3 violation of 35 U.S.C. § 271 through, among other activities, making, using, offering
4 to sell, and/or selling the Accused Products.

5 22. Defendant's infringing technology and products include without
6 limitation its mobile phones listed in Exhibit B.

7 23. Claim 1 is an exemplary infringed claim. Its preamble states "An
8 advanced cellular telephone for facilitating voice and data communication over a
9 plurality of wireless communication networks, at least one of which is a Personal
10 Communication Services network operating in the PCS frequency band using a
11 protocol for communication that is appropriate for the PCS network and at least one
12 additional network operating either inside or outside of the PCS frequency band using
13 a protocol for communication that is appropriate for the one additional network . . ."

14 24. TCL's mobile phone products, including the GSM OT-Series, GSM S-
15 Series, GSM V-Series, One Touch Series, GSM E-Series and GSM C-Series cellular
16 handsets are advanced cellular telephones for facilitating voice and data
17 communication over a plurality of wireless communication networks, at least one of
18 which is a Personal Communication Services network operating in the PCS frequency
19 band (1900 MHz) using a protocol for communication that is appropriate for the PCS
20 network and at least one additional network operating either inside or outside of the
21 PCS frequency band using a protocol for communication that is appropriate for the
22 one additional network.

23 25. After the preamble, the first limitation of claim 1 states "a housing small
24 enough to form a portable handset." Each of the accused devices includes a housing
25 small enough to form a portable handset. By way of example only, the GSM OT
26 Series OT-303 phone's dimensions are 107mm x 46mm x 12.1mm. Other accused
27 devices have comparably small proportions.

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1 26. The second limitation of claim 1 states “an antenna supported by the
2 housing for transmitting and receiving electromagnetic energy.” The antenna in each
3 of TCL’s mobile phone devices is a part of the handset that converts radio frequency,
4 or “RF” signals into electrical signals or electromagnetic signals, receives RF signals
5 from the air into the mobile communication terminal or transmits the signal from the
6 terminal to the air. Each of the accused handsets includes an antenna.

7 27. The third limitation of claim 1 states “a display, supported by the
8 housing, for displaying information that is visually perceptible to a user and that
9 includes information procured, in response to a user request, from a remote computer
10 with which the cellular telephone is linked wirelessly *via* one of the wireless
11 communication networks.” Each of the accused mobile phone devices includes a
12 display supported by the housing for displaying information that is visually
13 perceptible to a user.

14 28. The fourth limitation of claim 1 states “a touch-sensitive device for
15 receiving user supplied commands and data including said user requests for
16 information.” Each of the accused mobile phone devices uses a touch-sensitive keypad
17 for receiving and storing user commands and requests for information. By way of
18 example only, the touch sensitive keypad of one exemplary accused device is shown
19 below:



27 29. The fifth limitation of claim 1 states “an omni-modal communication
28 circuit for accessing the wireless communication networks using a communications

1 protocol appropriate to the wireless communication network accessed to establish a
2 communication link for voice or data communication over the accessed network, the
3 omni-modal communication circuit . . .” Each of the above TCL cellular handsets
4 meets this limitation. The handsets communicate by accessing the wireless
5 communication networks using a communications protocol appropriate to the wireless
6 communication network accessed to establish a communication link for voice or data
7 communication over the accessed network.

8 30. The first clause of the fifth limitation states “a transceiver, electrically
9 connected to the antenna, for sending and receiving radio frequency voice signals and
10 data signals.” The TCL accused devices include a transceiver, electrically connected
11 to the antenna, for sending and receiving radio frequency voice signals and data
12 signals.

13 31. The second clause of the fifth limitation states “digital modulator
14 circuitry for modulating digital voice signals and digital data signals onto a carrier for
15 transmitting by the transceiver in accordance with a communications protocol
16 compatible with the PCS communication network when accessed and in accordance
17 with a communications protocol compatible with the one additional network when
18 accessed, digital demodulator circuitry for demodulating digital voice signals and
19 digital data signals from radio frequency signals received by the transmitter in
20 accordance with the communications protocol compatible with the PCS
21 communication network when accessed and in accordance with the communications
22 protocol compatible with the one additional network when accessed.”

23 32. To send voice and data signals, each of the TCL accused products
24 includes digital modulator circuitry for modulating and demodulating the voice and
25 data signals onto a broadcast carrier using a communications protocol compatible with
26 the PCS communication network. All handsets among the accused devices support the
27 PCS network.

1 33. The third clause of the fifth limitation states “memory for storing an
2 operating program and data including network information, telephone numbers and
3 text messages.” The TCL accused devices include memory chips such as a flash
4 memory chip for storing an operating program and data. The accused devices must
5 have one or more memories for storing operating program data to perform their
6 intended functions.

7 34. The fourth clause of the fifth limitation states “a processor for setting up
8 appropriate cross connections between the display, memory, touch-sensitive device,
9 digital modulator circuitry and digital demodulator circuitry and transceiver to cause
10 the transceiver to access the plurality of wireless communication networks, one or
11 more at a time, including the PCS network and the one additional network, for
12 sending and receiving both voice signals and data signals over the accessed network
13 and to receive user commands, to provide information to the display, to carry out
14 arithmetic calculations, to request information from remote computers and to retrieve
15 data from memory.”

16 35. The TCL accused devices contain such processors, including, by way of
17 example only, the MT6226 chip of the OT-C701A accused device, which operates to
18 set up appropriate cross connections between the display and touch-sensitive device of
19 the User Interface, the memory connected to the External Memory Interface, the
20 digital modulator circuitry and digital demodulator circuitry of the Radio Interface and
21 the transceiver.

22 36. The fifth clause of the fifth limitation states “wherein the functions of
23 information retrieval from remote computers, data processing and placing or receiving
24 telephone calls may be carried out by selective access, under the control of the
25 processor, to the plurality of wireless communication networks including the PCS
26 network and the one additional network through operation of the omni-modal
27 communication circuit.”
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1 37. Each TCL handset functions to retrieve information from remote
2 computers, process and place or receive telephone calls which functions may be
3 carried out by selective access, under the control of the processor, to the plurality of
4 wireless communication networks including the PCS network and the one additional
5 network through operation of the omni-modal communication circuit including a
6 processor. The process is selective, because the TCL handsets include a feature
7 whereby the user may select “Automatic” or “Manual.”

8 38. As a direct and proximate consequence of Defendants’ infringement,
9 Anton has been injured in its business and property rights, and has suffered injury and
10 damages for which it is entitled to relief under 35 U.S.C. § 284 adequate to
11 compensate for such infringement, but in no event less than a reasonable royalty.

12 **Infringement of the ’558 Patent**

13 39. Defendants infringed at least claims 1, 7, and 8 of the ’558 Patent in
14 violation of 35 U.S.C. § 271 by, among other activities, making, using, offering to
15 sell, and/or selling the Accused Products.

16 40. Defendants’ infringing technology and products include without
17 limitation their notebook and system tablets listed in Exhibit B.

18 41. Claim 1 is an exemplary infringed claim. Its preamble states “A multi-
19 modal device for facilitating wireless communication over any one of a plurality of
20 wireless communication networks at least some of which may be available and
21 operating at a given time and location using differing radio frequency modulation
22 protocols and over differing radio frequencies, comprising.” This is the preamble of
23 the claim, and not a limitation that needs to be satisfied to show infringement.
24 Generally speaking, however, TCL supplies multi-modal devices for facilitating
25 wireless communication over any one of a plurality of wireless communication
26 networks at least some of which may be available and operating at a given time and
27 location using differing radio frequency modulation protocols and over differing radio
28 frequencies.

1 42. After the preamble, the first limitation of claim 1 states “a frequency
2 agile radio transceiver capable of operating at any frequency or frequencies
3 appropriate for each of the plurality of wireless communication networks, said
4 frequency or frequencies selected in response to a frequency control signal.”

5 43. The TCL Accused Products include transceivers that are able to switch
6 between frequencies, *i.e.*, “frequency agile,” allowing the devices to connect to a
7 plurality of wireless communications networks in response to a control signal.

8 44. After the first limitation, the second limitation of claim 1 states “an
9 interface circuit for interconnecting said frequency agile radio transceiver with an
10 external signal circuit to allow signal information to be sent and received over said
11 frequency agile radio transceiver.”

12 45. The transceivers in the accused products are interconnected by way of an
13 interface circuit with digital signal processing devices (external to the transceiver) to
14 allow digital signal information to be sent and received over the frequency agile radio
15 transceiver.

16 46. After the second limitation, the third limitation of claim 1 states “a
17 protocol agile operating circuit for operating said frequency agile radio transceiver
18 and said interface circuit in accordance with any one modulation protocol of a
19 plurality of modulation protocols, said one modulation protocol selected in response
20 to a protocol control signal.”

21 47. The TCL Accused Products include a protocol agile operating circuit.
22 The frequency agile radio transceiver and interface circuit do communicate in
23 accordance with any one of a plurality of modulation protocols, the one modulation
24 protocol selected in response to a protocol control signal. Because the handsets utilize
25 different protocols when operating, the handsets by definition have a protocol agile
26 operating circuit for operating the frequency agile radio transceiver and the interface
27 circuit in accordance with any modulation protocol of a plurality of modulation
28 protocols. Further, the one modulation protocol must necessarily be selected in

1 response to a protocol control signal, because there would be no other way to have the
2 system use one protocol or another.

3 48. After the third limitation, the fourth limitation of claim 1 states “adaptive
4 control circuit for determining which wireless communications networks are available
5 at a given location and time, for accessing a selected wireless communication
6 network, and for generating the frequency control signal and the protocol control
7 signal in response to a user defined individual priority to cause the device to
8 communicate with the selected wireless communication network using the frequencies
9 and modulation protocol suitable for transmission of said signal information over said
10 selected wireless communication network.”

11 49. The TCL Accused Products include an adaptive control circuit. The TCL
12 handsets undertake an exchange with a base station to determine which wireless
13 communications networks are available at a given location and time, and thus to
14 ultimately access a selected wireless communication network as well as to generate
15 the frequency control signal and the protocol control signal in response to a user
16 defined criteria (individual priorities) to cause the device to communicate with the
17 selected wireless communication network using the frequencies and modulation
18 protocol suitable for transmission of said signal information over said selected
19 wireless communication network.

20 50. In particular, the TCL handsets allow the handset to automatically
21 register with a preferred system while roaming, or to be automatically directed by a
22 service provider, typically the home service provider, to a suggested system,
23 regardless of the frequency band class, cellular band, GPRS network or PCS
24 frequency block. In this regard, note that TCL handsets permit the user to enter user-
25 defined criteria for guiding the selection and accessing of different networks.

26 51. After the fourth limitation, the fifth limitation of claim 1 states “input
27 means for receiving and storing the user defined individual priority for selecting
28 among the plurality of wireless communication networks and for allowing subsequent

1 changes by the user of the stored user defined individual priority whenever desired by
2 the user, said user defined individual priority defining which one of the wireless
3 communication networks is accessed among the wireless communication networks
4 that are determined by said adaptive control circuit to be available.”

5 52. Each of the accused devices performs this claimed function. The
6 structure is the handset input that includes the alpha-numeric keypad, the Menu/Ok
7 key and the Navigation keys, as well as potentially the system key.

8 53. After the fifth limitation, the sixth and final limitation of claim 1 states
9 “wherein said adaptive control circuit operates to generate said frequency control
10 signal and said protocol control signal appropriate for the wireless communication
11 network that is determined by said adaptive control circuit to be available and satisfies
12 said user defined individual priority.”

13 54. TCL’s accused devices include circuitry that allows the device to
14 connect to available and selected wireless networks. The devices have the ability to
15 generate the necessary frequency and protocol control signals to connect to the
16 selected wireless network protocol control signal and appropriate for the wireless
17 communication network that is determined by the adaptive control means to be
18 available and satisfy the user defined individual priority.

19 55. As a direct and proximate consequence of Defendants’ infringement,
20 Anton has been injured in its business and property rights, and has suffered injury and
21 damages for which it is entitled to relief under 35 U.S.C. § 284 adequate to
22 compensate for such infringement, but in no event less than a reasonable royalty.

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1 **Infringement of the '453 Patent**

2 56. Defendants infringed at least claim 1 of the '453 Patent in violation of 35
3 U.S.C. § 271 through, among other activities, making, using, offering to sell, and/or
4 selling the Accused Products.

5 57. Defendants' infringing technology and products include without
6 limitation their handheld mobile devices listed in Exhibit B.

7 58. Claim 1 is an exemplary infringed claim. Its preamble states "A multi-
8 modal device for facilitating wireless communication over any one of a plurality of
9 wireless communication networks at least some of which may be available and
10 operating at a given time and location using differing radio frequency modulation
11 protocols and over differing radio frequencies, comprising:." This is the preamble of
12 the claim, and not a limitation that needs to be satisfied to show infringement.
13 Generally speaking, however, TCL supplies multi-modal devices that facilitate
14 communication over a plurality of wireless communication networks, operating at a
15 given time and location, using different frequencies and different transmission
16 protocols such as GSM and UMTS.

17 59. After the preamble, the first limitation of claim 1 states "a frequency
18 agile radio transceiver operating at any frequency of a plurality of radio frequencies
19 appropriate for each of the plurality of wireless communication networks, said
20 frequency selected in response to a frequency control signal."

21 60. The TCL Accused Products include frequency agile transceivers as set
22 forth above in ¶ 43.

23 61. After the first limitation, the second limitation of claim 1 states "an
24 interface circuit for interconnecting said frequency agile radio transceiver with an
25 external signal circuit to allow signal information to be sent and received over said
26 frequency agile radio transceiver."

27 62. The TCL Accused Products include an interface circuit as required by
28 this claim element as set forth above in ¶ 45.

1 63. After the second limitation, the third limitation of claim 1 states “a
2 protocol agile operating circuit for operating said frequency agile radio transceiver
3 and said interface circuit in accordance with any one modulation protocol of a
4 plurality of modulation protocols, said one modulation protocol selected in response
5 to a protocol control signal.”

6 64. The TCL Accused Products include a protocol agile operating circuit as
7 set forth above in ¶ 47.

8 65. After the third limitation, the fourth limitation of claim 1 states “adaptive
9 control circuit for determining which wireless communications networks are available
10 at a given location and time, for accessing a selected wireless communication
11 network, for communicating with said selected wireless communication network to
12 determine on a real time basis the operating characteristics of the wireless
13 communication network, and for generating the frequency control signal and the
14 protocol control signal in response to a user defined criteria to cause the device to
15 communicate with the selected wireless communication network using the frequencies
16 and modulation protocol suitable for transmission of said signal information over said
17 selected wireless communications network.”

18 66. The TCL Accused Products include an adaptive control circuit as set
19 forth above in ¶ 49.

20 67. After the fourth limitation, the fifth limitation of claim 1 states “input
21 means for receiving said user defined criteria, said user defined criteria comprising at
22 least one of the cost of using the wireless communication network, the quality of the
23 wireless communication network, the potential for being dropped by the wireless
24 communication network, and the security of the wireless communication network.”

25 68. The TCL Accused Products include input means as set forth in ¶ 52.

26 69. After the fifth limitation, the sixth and final limitation of claim 1 states
27 “wherein said adaptive control circuit operates to generate said frequency control
28

1 signal and said modulation protocol control signal by comparing said operating
2 characteristics with said user defined criteria.”

3 70. The TCL Accused Products include an adaptive control circuit that
4 generates a frequency control signal and a protocol control signal as set forth above in
5 ¶ 54.

6 71. As a direct and proximate consequence of Defendants’ infringement,
7 Anton has been injured in its business and property rights, and has suffered injury and
8 damages for which it is entitled to relief under 35 U.S.C. § 284 adequate to
9 compensate for such infringement, but in no event less than a reasonable royalty.

10 **Infringement of the ’985 Patent**

11 72. Defendants infringed at least claim 1 of the ’985 Patent in violation of 35
12 U.S.C. § 271 through, among other activities, making, using, offering to sell, and/or
13 selling the Accused Products.

14 73. Defendants’ infringing technology and products include without
15 limitation their handheld mobile devices listed in Exhibit B.

16 74. Claim 1 is an exemplary infringed claim. Its preamble states “A multi-
17 modal device for facilitating wireless communication over any one of a plurality of
18 wireless communication networks at least some of which may be available and
19 operating at a given time and location using differing radio frequency modulation
20 protocols and over differing radio frequencies, comprising:.” This is the preamble of
21 the claim, and not a limitation that needs to be satisfied to show infringement.
22 Generally speaking, however, TCL supplies multi-modal devices that facilitate
23 communication over a plurality of wireless communication networks, operating at a
24 given time and location, using different frequencies and different transmission
25 protocols such as GSM and UMTS.

26 75. After the preamble, the first limitation of claim 1 states “a frequency
27 agile radio transceiver operating at any one frequency of a plurality of radio
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1 frequencies appropriate for each of the plurality of wireless communication networks,
2 said one frequency selected in response to a frequency control signal.”

3 76. The TCL Accused Products include frequency agile transceivers as set
4 forth above in ¶ 43.

5 77. After the first limitation, the second limitation of claim 1 states “a digital
6 interface circuit for interconnecting said frequency agile radio transceiver with
7 external digital signal processing devices to allow digital signal information to be sent
8 and received over said frequency agile radio transceiver.”

9 78. The TCL Accused Products include a digital interface circuit as required
10 by this claim element as set forth above in ¶ 45.

11 79. After the second limitation, the third limitation of claim 1 states “protocol
12 agile operating circuit means for operating said frequency agile radio transceiver and
13 said digital interface circuit in accordance with any one modulation protocol of a
14 plurality of modulation protocols, said one modulation protocol selected in response
15 to a protocol control signal.”

16 80. The TCL Accused Products include a protocol agile operating circuit
17 means as set forth above in ¶ 47.

18 81. After the third limitation, the fourth limitation of claim 1 states “adaptive
19 control means for determining which wireless communications networks are available
20 at a given location and time, for accessing a selected wireless communication
21 network, for communicating with said selected wireless communication network to
22 determine on a real time basis the operating characteristics of the wireless
23 communication network, and for generating the frequency control signal and the
24 protocol control signal in response to a user defined criteria to cause the device to
25 communicate with the selected wireless communication network using a frequency
26 and modulation protocol suitable for transmission of said digital signal information
27 over said selected wireless communications network.”
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1 provided detailed claim charts, and being aware of the infringement of the Anton
2 Patents.

3 90. Defendant knowingly and intentionally actively aided, abetted and
4 induced others to infringe (such as their customers, users and/or business partners in
5 this judicial district and throughout the United States). TCL induced infringement by
6 supplying connection driver software suitable for downloading and installing
7 connection manager software that is specific to wireless modules supplied by TCL
8 with its portable computers.

9 91. TCL knew that these customer acts constituted infringement, and induced
10 that infringement by, for example, installing special drivers to assist in forming multi-
11 mode devices including wireless LAN adapters for wirelessly accessing Wi-Fi
12 networks, and wireless broadband adapter for wirelessly accessing broadband
13 networks, using different frequencies and different protocols in response to criteria
14 provided by users.

15 92. TCL sold the accused devices, knowing of the Anton Patents and with
16 the specific intent that their customers infringe the Anton Patents.

17 93. TCL's indirect infringement by inducement has injured Anton. Anton,
18 therefore, is entitled to recover damages adequate to compensate it for such
19 infringement, but in no event less than a reasonable royalty.

20 94. TCL's indirect infringement by inducement has been willful because
21 Defendants have known of the Anton Patents and have nonetheless injured Anton.

22 **V. JURY DEMAND**

23 Anton demands a trial by jury on all issues presented that can properly be tried
24 to a jury.

25 **VI. REQUEST FOR RELIEF**

26 Anton asks this Court to enter judgment against Defendant and against its
27 subsidiaries, affiliates, agents, servants, employees and all persons in active concert or
28 participation with Defendant, granting the following relief:

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- A. An award of damages adequate to compensate MLR for the infringement that has occurred, together with prejudgment interest from the date infringement began;
- B. All other damages permitted by 35 U.S.C. § 284;
- C. A finding that TCL’s infringement has been willful;
- D. A finding that this case is exceptional and an award to MLR of its attorneys’ fees and costs as provided by 35 U.S.C. § 285; and
- E. Such other and further relief as this Court or a jury may deem proper and just.

DATED: November 28, 2017

/s/
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