

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

MODERN TELECOM SYSTEMS, LLC,	)	
	)	
Plaintiff,	)	C.A. No. _____
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
SONY MOBILE COMMUNICATIONS	)	
(USA), INC., SONY ELECTRONICS INC.,	)	
SONY INTERACTIVE ENTERTAINMENT	)	
AMERICA LLC, AND SONY CORPORATION	)	
OF AMERICA,	)	
	)	
Defendants.	)	

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Modern Telecom Systems, LLC (“MTS” or “Plaintiff”), for its Complaint against Defendants Sony Mobile Communication (USA), Inc., Sony Electronics Inc., Sony Interactive Entertainment America LLC, and Sony Corporation of America (collectively, “Sony” or “Defendants”) alleges the following:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Plaintiff is a limited liability company organized under the laws of the State of Delaware with a place of business at 913 N. Market Street, Suite 200, Wilmington, DE 19801.

3. On information and belief, Defendant Sony Mobile Communications (USA), Inc. is a Delaware corporation with a place of business at 2207 Bridgepoint Parkway, San Mateo, California 94404. Defendant Sony Mobile Communications (USA), Inc. may be served with

process via its registered agent: Capitol Services, Inc., 1675 S. State Street, Suite B, Dover, Delaware 19901.

4. On information and belief, Defendant Sony Electronics Inc. is a Delaware corporation with a place of business at 16535 Via Esprillo, San Diego, California 92127. Defendant Sony Electronics Inc. may be served with process via its registered agent: Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

5. On information and belief, Defendant Sony Interactive Entertainment America LLC is a Delaware limited liability company with a place of business at 2207 Bridgepoint Parkway, San Mateo, California 94404. Defendant Sony Interactive Entertainment America LLC may be served with process via its registered agent: Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

6. On information and belief, Defendant Sony Corporation of America is a New York corporation with a place of business at 25 Madison Avenue, New York, NY 10010. Defendant Sony Corporation of America may be served with process via its registered agent: Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

7. On information and belief, Defendant Sony Corporation of America is the U.S. headquarters of Sony Corporation, based in Tokyo, Japan. Sony's principal U.S. businesses include Sony Electronics Inc., Sony Mobile Communications (USA) Inc., and Sony Interactive Entertainment LLC. See [https://www.sony.com/en\\_us/SCA/who-we-are/overview.html](https://www.sony.com/en_us/SCA/who-we-are/overview.html).

8. On information and belief, Defendants sell and offer to sell products and services throughout the United States, including in this District, and introduce products and services into the stream of commerce that incorporate infringing technology knowing that they would be sold in this District and elsewhere in the United States.

9. On information and belief, Defendants conduct a significant amount of business in this District through sales and advertisements directly to consumers and through product sales by Sony's distributors and resellers.

**JURISDICTION AND VENUE**

10. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

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

12. Venue is proper in this District under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

On information and belief, Defendants conduct business in this District, and at least a portion of the acts of infringement and claims alleged in this Complaint have taken place and are continuing to take place in this District. Defendants Sony Mobile Communications (USA), Inc., Sony Interactive Entertainment America LLC, and Sony Electronics Inc. reside in this District.

13. This Court has personal jurisdiction over Defendant Sony Mobile Communications (USA), Inc. because it is incorporated in Delaware and has purposefully availed itself of the privileges and benefits of the laws of the State of Delaware.

14. This Court has personal jurisdiction over Defendant Sony Electronics Inc. because it is incorporated in Delaware and has purposefully availed itself of the privileges and benefits of the laws of the State of Delaware.

15. This Court has personal jurisdiction over Defendant Sony Interactive Entertainment America LLC because it is incorporated in Delaware and has purposefully availed itself of the privileges and benefits of the laws of the State of Delaware.

16. Defendants are subject to this Court's general and specific personal jurisdiction because Defendants have sufficient minimum contacts within the State of Delaware, pursuant to

due process and/or the Delaware Long Arm Statute, because Defendants purposefully availed themselves of the privileges of conducting business in the State of Delaware, and because Plaintiff's causes of action arise directly from Defendants' business contacts and other activities in the State of Delaware, including regularly doing or soliciting business and deriving substantial revenue from products and services provided to individuals in this District. The exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

### **BACKGROUND**

17. The technology claimed in the patent asserted in this action was invented during the research and development activities of the Rockwell family of companies, including Rockwell Semiconductors Systems, Inc., Conexant Systems, Inc. ("Conexant"), and Mindspeed Technologies, Inc. ("Mindspeed"). In 1998, Rockwell International spun off its Rockwell Semiconductor group and renamed it Conexant. Conexant inherited Rockwell's mixed signal semiconductor expertise and intellectual property portfolio, and was focused on developing semiconductor products for a broad range of communications networks. Conexant's Internet Infrastructure group was incorporated as a wholly-owned subsidiary named Mindspeed Technologies, Inc. ("Mindspeed") in 2001 and spun-off as an independent entity in 2003. Mindspeed's focus was on semiconductor and software solutions for Internet access devices, switching fabric, and network processors.

18. Plaintiff is the owner of the patent asserted in this action and has the exclusive right to sue and collect remedies for past, present, and future infringement of the patent.

19. Plaintiff assumed all the rights and obligations related to the patent from Modern Telecom Systems, LLC (“MTS-CA”), a California limited liability company, which had assumed all the rights and obligations related to the patent from Glocom Patents Licensing, LLC, which had assumed all the rights and obligations related to the patent from V-Dot Technologies, LLC (formerly, V-Dot Technologies, Limited) (“VDOT”), which had assumed all the rights and obligations related to these patents from Telecom Technology Licensing, LLC (“TTL”), which had assumed all the rights and obligations related to the patent from Mindspeed. Conexant, the assignee identified on the face of the patent, assigned the patent to Mindspeed in an assignment dated June 27, 2003.

**INFRINGEMENT OF U.S. PATENT NO. 6,504,886**

20. The allegations set forth in the foregoing paragraphs 1 through 19 are incorporated by reference into this claim for relief.

21. On January 7, 2003, U.S. Patent No. 6,504,886 (“the ‘886 Patent”), entitled “Communication of an Impairment Learning Sequence According to an Impairment Learning Sequence Descriptor,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ‘886 Patent is attached as Exhibit 1.

22. The ‘886 Patent issued from United States Patent Application No. 09/956,207 (“the ‘207 Application”), filed on September 19, 2001. The ‘207 Application is a Continuation of U.S. Patent Application No. 08/969,971, entitled “Method and Apparatus for Generating a Line Impairment Learning Signal for a Data Communication System,” filed November 13, 1997, now U.S. Patent No. 6,332,009, which is a

Continuation-In-Part of U.S. Patent Application No. 08/922,851, entitled “Method and Apparatus for Generating a Programmable Synchronization Signal for a Data Communication System,” filed September 3, 1997, now U.S. Patent No. 6,212,247.

23. Plaintiff is the assignee and owner of the right, title, and interest in and to the ‘886 Patent, including the right to assert all causes of action arising under the ‘886 Patent and the right to any remedies for infringement of the ‘886 Patent.

24. On information and belief, Defendants have infringed and continue to infringe the ‘886 Patent under 35 U.S.C. § 271, literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, infringing products without authorization.

25. On information and belief, Defendants have directly infringed and continue to directly infringe at least claims 1, 3, 11, 13 and 18<sup>1</sup> of the ‘886 Patent by making, using, selling, offering to sell, importing and/or providing and causing to be used products within the scope of claims 1, 3, 11, 13 and 18 of the ‘886 Patent, including, but not limited to, the products with the following designations or trade names: Xperia XZ Phone, Xperia XA Phone, Xperia X Phone, Xperia L1 Phone, Zperia Z4 Tablet, PlayStation 4, Z9D TV, A1E TV, X940E TV, X930E TV, X900E TV, X850E TV, X800E TV, X720E TV, X800D TV, W600D TV, W650D TV, UBP-X800 Blu-ray Player, BDP-S6700 Blu-ray Player, BDP-S3700 Blu-ray Player, BDP-S6500 Blu-ray Player, BDP-S3500 Blu-ray Player, and the BDP-S7200 Blu-ray Player (collectively, examples of “Infringing Instrumentalities”). On information and belief, any other products of Defendants that enable Wi-Fi are also Infringing Instrumentalities.

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<sup>1</sup> Plaintiff reserves the right to identify additional asserted claims as this litigation proceeds. For example, Plaintiff expressly reserves the right to identify additional asserted claims in its infringement contentions to be served during the discovery process.

26. As one example of infringement, Defendants' acts of making, using, selling, offering to sell, importing and/or providing and causing to be used Infringing Instrumentalities, includes the Xperia XZ Phone, which satisfies, literally or under the doctrine of equivalents, each and every claim limitation of exemplary claim 18 of the '886 Patent. In particular, the Xperia XZ Phone is a communication device capable of communicating a learning sequence descriptor for use in constructing a learning sequence, said device comprising: a transmitter; and a processor in communication with said transmitter; wherein said processor is capable of providing a first parameter, a second parameter and a third parameter to said transmitter capable of transmitting said parameters, wherein said first parameter specifies a number of segments in said learning sequence, said second parameter specifies a sign pattern of each of said segments, and said third parameter specifies a training pattern of each of said segments, wherein said training pattern is indicative of an ordering of a reference symbol and a training symbol in each of said segments. On information and belief, the Xperia XZ Phone includes a Qualcomm Snapdragon 820 processor, see <https://www.sonymobile.com/us/products/phones/xperia-xzs/specifications/>, and operates pursuant to Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications of IEEE Std 802.11™ -2012 and IEEE Std 802.11™ -2009 (collectively, the relevant "Wi-Fi Standard").

27. In December 2016, Plaintiff provided written notice that Sony products which enable the Wi-Fi Standard use the '886 Patent. On information and belief, Defendants became aware that their products that are compatible with the Wi-Fi Standard infringe the '886 Patent no later than December 2016.

28. As another example of infringement, Defendants instruct customers of their products to use the Wi-Fi Standard, including customers of the Xperia XZ Phone to

“[c]onnect to your home WiFi to play PS4 games on your phone.” See <https://www.sonymobile.com/us/products/phones/xperia-xzs/>. In making such instructions available to customers and touting the benefits of compatibility with the Wi-Fi Standard, Defendants specifically intended to encourage their customers to use their products, including the Xperia XZ Phone, in an infringing matter, knowing that such use in accordance with their instructions constituted infringement of the ‘886 Patent. Defendants have thus induced and are inducing their customers to infringe the ‘886 Patent literally and/or under the doctrine of equivalents. On information and belief, Defendants acted with specific intent to induce their customers to practice the ‘886 Patent by continuing the above-mentioned activities with knowledge of the ‘886 Patent.

29. Defendants had pre-suit knowledge that they were using the ‘886 Patent and have knowingly made, used, offered to sell, sold, and/or imported into the United States the Infringing Instrumentalities that infringed and continue to infringe the ‘886 Patent under 35 U.S.C. § 271. Because Defendants did so with such knowledge of the ‘886 Patent, Defendants are liable for willful infringement.

30. Defendants’ acts of infringement have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendants the damages it has sustained as a result of Defendants’ wrongful acts in an amount subject to proof at trial.

#### **JURY DEMAND**

31. Plaintiff requests a jury trial of all issues in this action so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

A. Declaring that Defendants have infringed the ‘886 Patent and/or induced infringement of the ‘886 Patent.



B. Awarding damages arising out of Defendants' infringement of the '886 Patent, including enhanced damages pursuant to 35 U.S.C. § 284, to MTS, together with prejudgment and post-judgment interest, in an amount according to proof.

C. Awarding attorneys' fees to MTS pursuant to 35 U.S.C. § 285 or as otherwise permitted by law.

D. Awarding such other costs and further relief as the Court may deem just and proper.

Dated: November 30, 2017

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-and-

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