

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MESA DIGITAL LLC,

Plaintiff,

v.

ZTE (USA) INC.

Defendant.

Case No. 1:18-cv-04775

Patent Case

Jury Trial Demanded

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Mesa Digital LLC (“Mesa”), through its attorney, complains of ZTE (USA) Inc. (“ZTE”), and alleges the following:

PARTIES

1. Plaintiff Mesa Digital LLC is a limited liability company organized and existing under the laws of New Mexico that maintains its principal place of business at 117 Bryn Mawr Drive SE, Albuquerque, NM 87106.
2. Defendant ZTE (USA) Inc. is a corporation organized and existing under the laws of New Jersey that maintains its principal place of business at 2425 N. Central Expy, Suite 800, Richardson, TX 75080.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.
4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over ZTE because it has engaged in systematic and continuous business activities in the Northern District of Illinois. Specifically, ZTE provides its full range of services to residents in this District. As described below, ZTE has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because ZTE has committed acts of patent infringement in this District and has a regular and established place of business in this District. Specifically, ZTE provides its full range of services to residents in this District. In addition, Mesa has suffered harm in this District.

PATENTS-IN-SUIT

7. Mesa is the assignee of assignee of all right, title and interest in United States Patent Nos. 9,031,537 (the "'537 Patent") and 9,646,444 (the "'444 Patent") (collectively, the "Patents-in-Suit") including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Mesa possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by ZTE.

The '537 Patent

8. On May 12, 2015, the United States Patent and Trademark Office issued the '537 Patent. The '537 Patent is titled "Electronic Wireless Hand Held Multimedia Device." The application leading to the '537 Patent was filed on October 23, 2008. A true and correct copy of the '537 Patent is attached hereto as Exhibit A and incorporated herein by reference.
9. The '537 Patent is valid and enforceable.

10. The invention in the '537 Patent provides an improved electronic wireless hand held multimedia device that has more than one wireless transceiver modules configured for the receipt, processing and transmission of multimedia data to and from remote data resources over more than one standard of wireless communication. Ex. A. at 3:61-66.
11. The inventors recognized that what would be needed in the future, among other things, was a electronic wireless hand held multimedia device that could connect to various data networks and establish short/visible range data connections with electronic devices located in close proximity, provide multimedia capabilities including remotely accessing and displaying of video, enabling access to email and multimedia content from the Internet including servers and the World Wide Web, determining location information and enable the determination and provision of directions to alternate location by accessing remote map information and displaying the map information on the display touch sensitive display screen, a technique which can be referred to as GPS mapping, and enable mobile payments through the device, for example, by enabling hand held device users to be billed a transaction fee via bank accounts (e.g., ATM, Debit and Credit cards) billing via communication service accounts or arrangements, and prepaid services, and other authorized account-related billing arrangements. *Id.* at 2:64-3:16.

The '444 Patent

12. On May 9, 2017, the United States Patent and Trademark Office issued the '444 Patent. The '444 Patent is titled "Electronic Wireless Hand Held Multimedia Device." The application leading to the '444 Patent was filed on February 3, 2015 and is a continuation of the application leading to the '537 Patent. A true and correct copy of the '444 Patent is attached hereto as Exhibit B and incorporated herein by reference.

13. The '444 Patent is valid and enforceable.
14. The invention in the '444 Patent provides an improved electronic wireless hand held multimedia device that has more than one wireless transceiver modules configured for the receipt, processing and transmission of multimedia data to and from remote data resources over more than one standard of wireless communication. Ex. B. at 2:5-10.
15. The inventors recognized that what would be needed in the future, among other things, was a electronic wireless hand held multimedia device that could connect to various data networks and establish short/visible range data connections with electronic devices located in close proximity, provide multimedia capabilities including remotely accessing and displaying of video, enabling access to email and multimedia content from the Internet including servers and the World Wide Web, determining location information and enable the determination and provision of directions to alternate location by accessing remote map information and displaying the map information on the display touch sensitive display screen, a technique which can be referred to as GPS mapping, and enable mobile payments through the device, for example, by enabling hand held device users to be billed a transaction fee via bank accounts (e.g., ATM, Debit and Credit cards) billing via communication service accounts or arrangements, and prepaid services, and other authorized account-related billing arrangements. *Id.* at 3:5-24.

COUNT I: INFRINGEMENT OF THE '537 PATENT

16. Mesa incorporates the above paragraphs herein by reference.
17. **Direct Infringement.** ZTE has been and continues to directly infringe at least claim 1 of the '537 Patent in this District and elsewhere in the United States by providing a device, for example, ZTE's AT&T Primetime that has an electronic wireless hand held multimedia

device. For example, ZTE's AT&T Primetime is an electronic wireless hand held multimedia device. See Figure 1; <https://www.zteusa.com/att-primetime>.

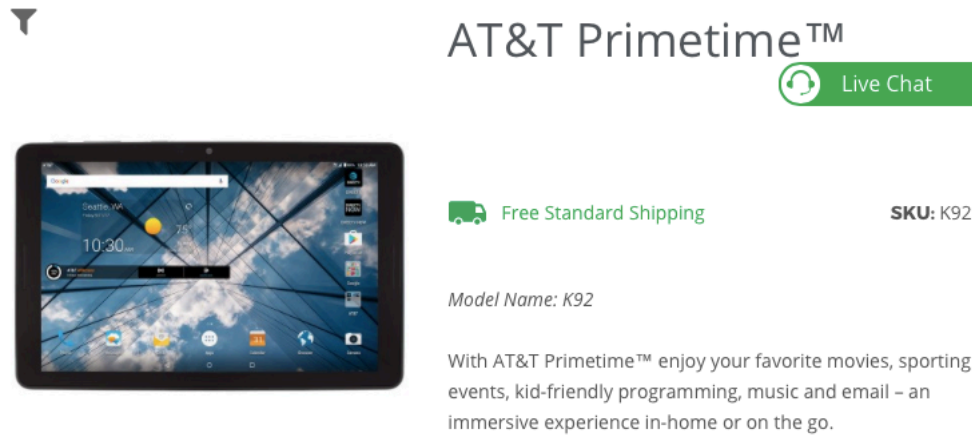


Figure 1. ZTE's AT&T Primetime is an electronic wireless hand held multimedia device.

18. ZTE provides a device with at least one of a wireless unit and a tuner unit supporting bi-directional data communications of data including video and text for the electronic wireless hand held multimedia device with remote data resources over cellular telecommunications networks, over wireless local area networks and over a direct wireless connection with electronic devices located within short range using Bluetooth communications after accepting a passcode from a user of the multimedia device during the communications. For example, ZTE's AT&T Primetime supports data communication over network LTE, WiFi, and Bluetooth. See Figure 2.

CPU	Octa-core 2GHz Qualcomm® Snapdragon™ 625
Capacity	9070mAh (non-removable)
Talk Time*	Up to 11 Hours of surfing the web on Wi-Fi, watching video, or listening to music
Standby Time*	Up to 60 Days
Internal	2GB RAM + 32GB ROM
Expandable	Up to 128GB microSD™ Card
Frequencies	3G - UMTS (850/1900/2100MHz) 4G LTE Bands (1, 2, 4, 5, 7, 12, 29, and 30)
Bluetooth	4.2
Wi-Fi	802.11 a/b/g/n/ac, 2.4GHz & 5GHz
Mobile Hotspot	Yes
GPS	Yes
USB	Type-C with Qualcomm® Quick Charge™ 2.0
Headset Jack	3.5mm

Figure 2. ZTE's AT&T Primetime supports data communication over LTE, WiFi, and Bluetooth.

19. ZTE provides a device with a touch sensitive display screen configured to display the data including video and text received by the electronic wireless hand held multimedia device by selecting a particular data represented by a soft button on said touch sensitive display screen of the multimedia device. For example, ZTE's AT&T Primetime has a touch sensitive display screen allowing users to select data on the touch screen. *See* Figure 3;

https://d28dq596bml6z.cloudfront.net/media/wysiwyg/attprimetime/ATT_PrimeTime_User_Guide_English_-_PDF_-_8.43MB_.pdf.

Playing and Controlling Videos

Tap a video in the video library to play it. Tap the screen to show the playback controls. You can control the video and audio or carry out other operations.



Figure 3. ZTE's AT&T Primetime has a touch sensitive display screen allowing users to select data on the touch screen.

20. ZTE provides a device with a microprocessor configured to facilitate operation of and communications by the electronic wireless hand held multimedia device. For example, ZTE's AT&T Primetime has a Qualcomm Snapdragon 625 processor. See Figure 2.
21. **Induced Infringement.** ZTE has also actively induced, and continues to induce, the infringement of at least claim 1 of the '537 Patent by actively inducing its customers, including merchants and end-users to use ZTE's products in an infringing manner as described above. Upon information and belief, ZTE has specifically intended that its customers use its products that infringe at least claim 1 of the '537 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '537 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '537 Patent is accomplished by ZTE and ZTE's customer jointly, ZTE's actions have solely caused all of the steps to be performed.
22. Mesa is entitled to recover damages adequate to compensate it for such infringement in an

amount no less than a reasonable royalty under 35 U.S.C. § 284.

23. Mesa will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

COUNT II: INFRINGEMENT OF THE '444 PATENT

24. Mesa incorporates the above paragraphs by reference.
25. **Direct Infringement.** ZTE has been and continues to directly infringe at least claim 1 of the '444 Patent in this District and elsewhere in the United States by providing a device, for example, ZTE's AT&T Primetime that has an electronic wireless hand held multimedia device. For example, ZTE's AT&T Primetime is an electronic wireless hand held multimedia device. *See* Figure 4;

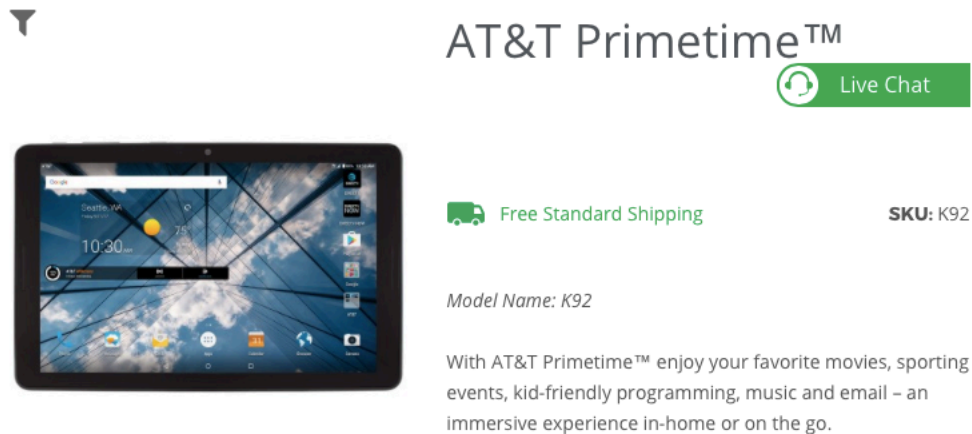


Figure 5. ZTE's AT&T Primetime is an electronic wireless hand held multimedia device.

26. ZTE provides a device with at least one of a wireless unit and a tuner unit supporting bi-directional data communications of data including video and text for the electronic wireless hand held multimedia device with remote data resources over cellular telecommunications networks, over wireless local area networks and over a direct wireless connection with electronic devices located within short range using Bluetooth communications after accepting a passcode from a user of the multimedia device during the communications. For example,

ZTE's AT&T Primetime has Bluetooth capabilities allowing for communication over cellular telecommunications networks over wireless local area networks and over a direct wireless connection with electronic devices. *See* Figure 5.

CPU	Octa-core 2GHz Qualcomm® Snapdragon™ 625
Capacity	9070mAh (non-removable)
Talk Time*	Up to 11 Hours of surfing the web on Wi-Fi, watching video, or listening to music
Standby Time*	Up to 60 Days
Internal	2GB RAM + 32GB ROM
Expandable	Up to 128GB microSD™ Card
Frequencies	3G - UMTS (850/1900/2100MHz) 4G LTE Bands (1, 2, 4, 5, 7, 12, 29, and 30)
Bluetooth	4.2
Wi-Fi	802.11 a/b/g/n/ac, 2.4GHz & 5GHz
Mobile Hotspot	Yes
GPS	Yes
USB	Type-C with Qualcomm® Quick Charge™ 2.0
Headset Jack	3.5mm

Figure 6. ZTE's AT&T Primetime supports data communication over network LTE, WiFi, and Bluetooth.

27. ZTE provides a device with a touch sensitive display screen configured to display the data including video and text received by the electronic wireless hand held multimedia device by selecting a particular data represented by a soft button on said touch sensitive display screen of the multimedia device. For example, ZTE's AT&T Primetime has a touch sensitive display screen allowing users to select data on the touch screen. *See* Figure 6.

Playing and Controlling Videos

Tap a video in the video library to play it. Tap the screen to show the playback controls. You can control the video and audio or carry out other operations.



Figure 7. ZTE's AT&T Primetime has a touch sensitive display screen allowing users to select data on the touch screen.

28. ZTE provides a device with a microprocessor configured to facilitate operation of and communications by the electronic wireless hand held multimedia device. For example, ZTE's AT&T Primetime has a Qualcomm Snapdragon™810 processor. See Figure 5.
29. ZTE provides a device with a video camera, enabling the capture, storage, processing, and transmission of video and pictures. For example, ZTE's AT&T Primetime has a camera for taking photos or recording video. See Figure 4.
30. **Induced Infringement.** ZTE has also actively induced, and continues to induce, the infringement of at least claim 1 of the '444 Patent by actively inducing its customers, including merchants and end-users to use ZTE's products in an infringing manner as described above. Upon information and belief, ZTE has specifically intended that its customers use its products that infringe at least claim 1 of the '444 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '444 Patent, as described above. Even where

performance of the steps required to infringe at least claim 1 of the '444 Patent is accomplished by ZTE and ZTE's customer jointly, ZTE's actions have solely caused all of the steps to be performed.

31. Mesa is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.
32. Mesa will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

33. Under Rule 38(b) of the Federal Rules of Civil Procedure, Mesa respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Mesa asks this Court to enter judgment against ZTE, granting the following relief:

- A. A declaration that ZTE has infringed the Patents-in-Suit;
- B. An award of damages to compensate Mesa for ZTE's direct infringement of the Patents-in-Suit;
- C. An order that ZTE and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patents-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy ZTE's willful infringement of the Patents-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Mesa of reasonable

attorneys' fees, expenses and costs under 35 U.S.C. § 285;

- F. An award of prejudgment and post-judgment interest; and
- G. Such other relief as this Court or jury may deem proper and just.

Respectfully submitted,
/s/ Kenneth Matuszewski
Counsel for Plaintiff

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