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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15 TRAXCELL TECHNOLOGIES, LLC

16 Plaintiff,

17 vs.

18 ALE USA INC.

19 Defendant.

Case No. 2:18-CV-06736-PSG-AS

Hon. Phillip S. Gutierrez

**PLAINTIFF'S SECOND AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT**

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1 **PLAINTIFF’S SECOND AMENDED COMPLAINT FOR PATENT**
2 **INFRINGEMENT**

3 Traxcell Technologies, LLC. (“Traxcell”) files this Second Amended Complaint
4 and demand for jury trial seeking relief from patent infringement by ALE USA Inc. d/b/a
5 Alcatel-Lucent Enterprise USA Inc. (hereafter at times referred to as “ALE USA”),
6 pursuant to Rule 15 of the Federal Rules of Civil Procedure and the Court’s Order of
7 Docket. No. 103, alleging as follows:
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10 **I. THE PARTIES**

11 1. Plaintiff Traxcell is a Texas Limited Liability Company, with its principal place
12 of business located 1405 Municipal Ave., Suite 2305, Plano, TX 75074.
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14 2. On information and belief, ALE USA Inc. d/b/a Alcatel-Lucent Enterprise USA
15 Inc., is a corporation with its principal place of business located at ALE USA, Inc.,
16 26801 West Agoura Rd, Calabasas CA 91301 and was previously served with process.
17 On information and belief, ALE USA sells and offers to sell products and services
18 throughout California, including in this judicial district, and introduces products and
19 services that perform infringing processes into the stream of commerce knowing that
20 they would be sold in California and this judicial district.
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23 **II. JURISDICTION AND VENUE**

24 3. This is an action for patent infringement arising under the patent laws of the U.S.,
25 35 U.S.C. §§ 1 et. seq. This Court has subject matter jurisdiction pursuant to 28 U.S.C.
26 §§ 1331 and 1338(a).
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1 4. This Court has personal jurisdiction over Defendant ALE USA because: ALE
2 USA is present within or has minimum contacts within the State of California and this
3 judicial district; Defendant has purposefully availed itself of the privileges of conducting
4 business in the State of California and in this judicial district; Defendant regularly
5 conducts business within the State of California and within this judicial district; and
6 Plaintiff's cause of action arises directly from Defendant's business contacts and other
7 activities in the State of California and in this judicial district.
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10 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).
11 On information and belief, Defendant conducts substantial business in this forum,
12 directly or through intermediaries, including: (i) at least a portion of the infringements
13 alleged herein; and (ii) regularly doing or soliciting business, engaging in other
14 persistent courses of conduct and/or deriving substantial revenue from goods and
15 services provided to individuals in California.
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18 **III. INFRINGEMENT ('320 Patent (attached as Exhibit A))**

19

20 6. On November 29, 2016, U.S. Patent No. 9,510,320 ("the '320 patent") entitled
21 "Machine for Providing a Dynamic Database of Geographic Location Information for a
22 Plurality of Wireless Devices and Process for Making Same" was duly and legally issued
23 by the U.S. Patent and Trademark Office. Traxcell owns the '320 patent by assignment.
24

25 7. The '320 Patent's Abstract states, "For a wireless network, a tuning system in
26 which mobile phones using the network are routinely located. With the location of the
27
28

1 mobile phones identified, load adjustments for the system are easily accomplished so
2 that the wireless network is not subject to an overload situation. Ideally the location of
3 the mobile phones is accomplished whether the mobile phones are transmitting voice
4 data or not.”

6 8. ALE USA makes, uses, offers to sell, or sells within or imports into the U.S.
7 wireless networks, wireless-network components, and related services that use identified
8 locations of wireless devices to perform adjustments such that ALE USA infringes
9 claims 1–6 of the '320 patent, literally or under the doctrine of equivalents. Some
10 examples of the wireless-network components are Control systems such as OmniSwitch
11 Model products; OmniAccess Model products; 7450 Ethernet Service Switch; 7750 SR
12 series; 7750 SR-e series; 7750 SR-a series; 7705 Service Aggregation Router; ClearPass
13 Policy; Management System; OmniAccess Model products; Wireless Base Software
14 RELEASE 6.1; Wireless RFprotect Module; ESR WWAN ENABLER; OmniVista
15 Mode products; ARUBA CLEARPASS ONGUARD; OXO CONNECT; SMALL AND
16 MEDIUM BUSINESSES control products; OMNISWITCH 6450 SCS SMALL CELL
17 GIGABIT products; 4059 EXTENDED EDITION ATTENDANT CONSOL;
18 "PROACTIVE LIFECYCLE MANAGEMENT" products; LGS CODEGUARDIAN;
19 4000 SERIES CONTROLLER; 4X50 SERIES CONTROLLERS NEXT-
20 GENERATION WIRELESS; OMNIVISTA 8770 NETWORK MANAGEMENT
21 SYSTEM and/or the like, directly or contributorily infringe when used alone or with a
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WCD or handset such as Premium DeskPhones; DeskPhones; 4008 IP Touch phone - 8 Series IP Touch Models; 4018 IP Touch phone - 8 Series IP Touch Models; 4028 IP Touch phone - 8 Series IP Touch Models; 4038 IP Touch phone - 8 Series IP Touch Models; 4068 IP Touch phone - 8 Series IP Touch Models; 4135 IP Conference phone; 4019 Digital Phone – 9 Series Digital Phones; 4029 Digital Phone – 9 Series Digital Phones; 4039 Digital Phone – 9 Series Digital Phones; Industrial DECT Handsets; Business DECT Handsets; WLAN Handsets - OmniTouch™ 8118/8128; 8262/8262Ex DECT Handset; 500/500EX DECT HANDSET; IP TOUCH 4008/4018 EXTENDED EDITION PHONES; IP Desktop Softphone; 8078s-8068s-8058s-8028s Premium DeskPhone s Series; 8029-8039 PREMIUM DESKPHONES; OmniTouch 8118/8128 WLAN Handsets and/or the like when used alone or when using with

a transceiver with an antennae, such as, with one or more of, OmniAccess AP1101; OmniAccess (I)AP103 Series; OmniAccess AP103H; OmniAccess (I)AP200 Series - OAW-IAP204-US; OmniAccess (I)AP200 Series - OAW-IAP205-US; OmniAccess (I)AP205H Series; OmniAccess (I)AP207 Series; OmniAccess (I)AP210 Series - OAW-IAP214-US; OmniAccess (I)AP210 Series - OAW-IAP215-US; OmniAccess (I)AP220 Series - OAW-IAP224-US; OmniAccess (I)AP220 Series - OAW-IAP225-US; OmniAccess (I)AP228 Series; OmniAccess (I)AP270 Series; OmniAccess (I)AP300 Series - OAW-IAP304-US; OmniAccess (I)AP300 Series - OAW-IAP305-US; OmniAccess (I)AP310 Series - OAW-IAP314-US; OmniAccess

1 (I)AP310 Series - OAW-IAP315-US; OmniAccess (I)AP320 Series - OAW-IAP324-
 2 US; OmniAccess (I)AP320 Series - OAW-IAP325-US; OmniAccess (I)AP330 Series -
 3 OAW-IAP334-US; OmniAccess (I)AP330 Series - OAW-IAP335-US; OmniAccess
 4 (I)AP360 Series - OAW-AP365-US; OmniAccess (I)AP360 Series - OAW-AP367-US;
 5 OmniAccess RAP108/109; OmniAccess RAP155; OmniAccess RAP3WN/RAP3WNP
 6 and a second computer coupled to the first computer with an access flag such as with
 7 voice-over-LTE or product such as OpenTouch Business Edition; OpenTouch
 8 Multimedia Services; OpenTouch Session Border Controller; OpenTouch Enterprise
 9 Cloud; OmniPCX Enterprise Communication Server; Security Modules; Voice
 10 Messaging Services; DECT Infrastructure; Rainbow; Unified Messaging; OpenTouch
 11 Fax Center; XML Web Services & API's; OpenTouch Conference; OpenTouch
 12 TeamShare; OmniTouch Contact Center Standard Edition; 4059 Extended Edition
 13 Attendant Console; Emergency Notification Server; Mobile Guest Softphone;
 14 OpenTouch Notification Service; OpenTouch Customer Service; OmniPCX Record
 15 Suite; OmniTouch 4625 Interactive Voice Response; Smart Guest Applications; Soft
 16 Panel Manager; Genesys Suite; OpenTouch Conversation for MLE; IP Desktop
 17 Softphone; 8115/8125 Audiooffice; OPENTOUCH CONVERSATION FOR iPad;
 18 OPENTOUCH CONVERSATION FOR IPHONE AND ANDROID SMARTPHONE;
 19 8115 AUDIOFFICE; PC BASED TELEPHONY FOR WINDOWS; PC TELEPHONY;
 20 ARUBA CLEARPASS POLICY MANAGER; UNIFIED MESSAGING
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1 APPLICATION; and/or the like, and related servers, computers, storage devices, and
2 wireless-network components. Defendant put the inventions claimed by the '320 Patent
3 into service (i.e., used them); but for Defendant's actions, the claimed-inventions
4 embodiments involving Defendant's products and services would never have been put
5 into service. Defendant's acts complained of herein caused those claimed-invention
6 embodiments as a whole to perform, and Defendant obtaining monetary and commercial
7 benefit from it.

10 9. ALE USA has and continues to induce infringement. ALE USA has actively
11 encouraged or instructed others (e.g., its customers), and continues to do so, on how to
12 use its products and services (e.g., U.S. wireless networks, wireless-network
13 components [e.g., Control systems such as OmniSwitch Model products; OmniAccess
14 Model products; 7450 Ethernet Service Switch; 7750 SR series; 7750 SR-e series; 7750
15 SR-a series; 7705 Service Aggregation Router; ClearPass Policy; Management System;
16 OmniAccess Model products; Wireless Base Software RELEASE 6.1; Wireless
17 RFprotect Module; ESR WWAN ENABLER; OmniVista Mode products; ARUBA
18 CLEARPASS ONGUARD; OXO CONNECT; SMALL AND MEDIUM
19 BUSINESSES control products; OMNISWITCH 6450 SCS SMALL CELL GIGABIT
20 products; 4059 EXTENDED EDITION ATTENDANT CONSOL; "PROACTIVE
21 LIFECYCLE MANAGEMENT" products; LGS CODEGUARDIAN; 4000 SERIES
22 CONTROLLER; 4X50 SERIES CONTROLLERS NEXT-GENERATION
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1 WIRELESS; OMNIVISTA 8770 NETWORK MANAGEMENT SYSTEM and/or the
 2 like, directly or contributorily infringe when used alone or with a WCD or handset such
 3 as Premium DeskPhones; DeskPhones; 4008 IPTouch phone - 8 Series IP Touch
 4 Models; 4018 IPTouch phone - 8 Series IP Touch Models; 4028 IPTouch phone - 8
 5 Series IP Touch Models; 4038 IPTouch phone - 8 Series IP Touch Models; 4068
 6 IPTouch phone - 8 Series IP Touch Models; 4135 IP Conference phone; 4019 Digital
 7 Phone – 9 Series Digital Phones; 4029 Digital Phone – 9 Series Digital Phones; 4039
 8 Digital Phone – 9 Series Digital Phones; Industrial DECT Handsets; Business DECT
 9 Handsets; WLAN Handsets - OmniTouch™ 8118/8128; 8262/8262Ex DECT Handset;
 10 500/500EX DECT HANDSET; IP TOUCH 4008/4018 EXTENDED EDITION
 11 PHONES; IP Desktop Softphone; 8078s-8068s-8058s-8028s Premium DeskPhone s
 12 Series; 8029-8039 PREMIUM DESKPHONES; OmniTouch 8118/8128 WLAN
 13 Handsets and/or the like when used alone or when using with a transceiver with an
 14 antennae, such as, with one or more of, OmniAccess AP1101; OmniAccess (I)AP103
 15 Series; OmniAccess AP103H; OmniAccess (I)AP200 Series - OAW-IAP204-US;
 16 OmniAccess (I)AP200 Series - OAW-IAP205-US; OmniAccess (I)AP205H Series;
 17 OmniAccess (I)AP207 Series; OmniAccess (I)AP210 Series - OAW-IAP214-US;
 18 OmniAccess (I)AP210 Series - OAW-IAP215-US; OmniAccess (I)AP220 Series -
 19 OAW-IAP224-US; OmniAccess (I)AP220 Series - OAW-IAP225-US; OmniAccess
 20 (I)AP228 Series; OmniAccess (I)AP270 Series; OmniAccess (I)AP300 Series - OAW-
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1 IAP304-US; OmniAccess (I)AP300 Series - OAW-IAP305-US; OmniAccess (I)AP310
 2 Series - OAW-IAP314-US; OmniAccess (I)AP310 Series - OAW-IAP315-US;
 3 OmniAccess (I)AP320 Series - OAW-IAP324-US; OmniAccess (I)AP320 Series -
 4 OAW-IAP325-US; OmniAccess (I)AP330 Series - OAW-IAP334-US; OmniAccess
 5 (I)AP330 Series - OAW-IAP335-US; OmniAccess (I)AP360 Series - OAW-AP365-US;
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 7 OmniAccess (I)AP360 Series - OAW-AP367-US; OmniAccess RAP108/109;
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 9 OmniAccess RAP155; OmniAccess RAP3WN/RAP3WNP and a second computer
 10 coupled to the first computer with an access flag such as with voice-over-LTE or product
 11 such as OpenTouch Business Edition; OpenTouch Multimedia Services; OpenTouch
 12 Session Border Controller; OpenTouch Enterprise Cloud; OmniPCX Enterprise
 13 Communication Server; Security Modules; Voice Messaging Services; DECT
 14 Infrastructure; Rainbow; Unified Messaging; OpenTouch Fax Center; XML Web
 15 Services & API's; OpenTouch Conference; OpenTouch TeamShare; OmniTouch
 16 Contact Center Standard Edition; 4059 Extended Edition Attendant Console;
 17 Emergency Notification Server; Mobile Guest Softphone; OpenTouch Notification
 18 Service; OpenTouch Customer Service; OmniPCX Record Suite; OmniTouch 4625
 19 Interactive Voice Response; Smart Guest Applications; Soft Panel Manager; Genesys
 20 Suite; OpenTouch Conversation for MLE; IP Desktop Softphone; 8115/8125
 21 Audiooffice; OPENTOUCH CONVERSATION FOR iPad; OPENTOUCH
 22 CONVERSATION FOR IPHONE AND ANDROID SMARTPHONE; 8115
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1 AUDIOFFICE; PC BASED TELEPHONY FOR WINDOWS; PC TELEPHONY;
 2 ARUBA CLEARPASS POLICY MANAGER; UNIFIED MESSAGING
 3 APPLICATION; and/or the like, and related servers, computers, storage devices, and
 4 wireless-network components], and related services that use identified locations of
 5 wireless devices to perform adjustments such to cause infringement of claims 1–6 of the
 6 '320 patent, literally or under the doctrine of equivalents. Moreover, ALE USA has
 7 known of the '320 patent, by at least by the date ALE USA is served with this Complaint
 8 such that ALE USA knew and should have known that it was and would be inducing
 9 infringement; it has induced infringement post-suit filing. Further, evidence exists that
 10 shows ALE USA knew of the published patent Application, 20080045234, since at least
 11 May of 2013 when it was cited against a patent application assigned to ALE USA, USSN
 12 13/389,495. Further, other evidence exists in the record the Reed published application
 13 was cited against ALE USA applications on multiple occasions.

14 10. ALE USA has caused and will continue to cause Traxcell damage by infringing
 15 (including inducing infringement of) the '320 patent.

21 **IV. INFRINGEMENT ('284 Patent (attached as Exhibit B))**

22 11. On March 10, 2015, U.S. Patent No. 8,977,284 (“the '284 patent”) entitled
 23 “Machine for Providing a Dynamic Database of Geographic Location Information for a
 24 Plurality of Wireless Devices and Process for Making Same” was duly and legally issued
 25 by the U.S. Patent and Trademark Office. Traxcell owns the '284 patent by assignment.
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1 On May 7, 2019, the United States Patent & Trademark Office issued a Certificate of
2 Correction to the '284 patent.

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4 12.The '284 Patent's Abstract states, "For a wireless network, a tuning system in
5 which mobile phones using the network are routinely located. With the location of the
6 mobile phones identified, load adjustments for the system are easily accomplished so
7 that the wireless network is not subject to an overload situation. Ideally the location of
8 the mobile phones is accomplished whether the mobile phones are transmitting voice
9 data or not."

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11
12 13.ALE USA makes, uses, offers to sell, or sells within or imports into the U.S.
13 wireless networks, wireless-network components, and related services that use identified
14 locations of wireless devices to perform adjustments such that ALE USA infringes one
15 or more claims of the '284 patent, including—for example—Claims 1 and 4, literally or
16 under the doctrine of equivalents. Some examples of the wireless-network components
17 are Control systems such as OmniSwitch Model products; OmniAccess Model products;
18 7450 Ethernet Service Switch; 7750 SR series; 7750 SR-e series; 7750 SR-a series; 7705
19 Service Aggregation Router; ClearPass Policy; Management System; OmniAccess
20 Model products; Wireless Base Software RELEASE 6.1; Wireless RFprotect Module;
21 ESR WWAN ENABLER; OmniVista Mode products; ARUBA CLEARPASS
22 ONGUARD; OXO CONNECT; SMALL AND MEDIUM BUSINESSES control
23 products; OMNISWITCH 6450 SCS SMALL CELL GIGABIT products; 4059
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1 EXTENDED EDITION ATTENDANT CONSOL; "PROACTIVE LIFECYCLE
 2 MANAGEMENT" products; LGS CODEGUARDIAN; 4000 SERIES CONTROLLER;
 3 4X50 SERIES CONTROLLERS NEXT-GENERATION WIRELESS; OMNIVISTA
 4 8770 NETWORK MANAGEMENT SYSTEM and/or the like, directly or contributorily
 5 infringe when used alone or with
 6

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 8 a WCD or handset such as Premium DeskPhones; DeskPhones; 4008 IPTouch
 9 phone - 8 Series IP Touch Models; 4018 IPTouch phone - 8 Series IP Touch Models;
 10 4028 IPTouch phone - 8 Series IP Touch Models; 4038 IPTouch phone - 8 Series IP
 11 Touch Models; 4068 IPTouch phone - 8 Series IP Touch Models; 4135 IP Conference
 12 phone; 4019 Digital Phone – 9 Series Digital Phones; 4029 Digital Phone – 9 Series
 13 Digital Phones; 4039 Digital Phone – 9 Series Digital Phones; Industrial DECT
 14 Handsets; Business DECT Handsets; WLAN Handsets - OmniTouch™ 8118/8128;
 15 8262/8262Ex DECT Handset; 500/500EX DECT HANDSET; IP TOUCH 4008/4018
 16 EXTENDED EDITION PHONES; IP Desktop Softphone; 8078s-8068s-8058s-8028s
 17 Premium DeskPhone s Series; 8029-8039 PREMIUM DESKPHONES; OmniTouch
 18 8118/8128 WLAN Handsets and/or the like when used alone or when using with
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20
 21 a transceiver with an antennae, such as, with one or more of, OmniAccess
 22 AP1101; OmniAccess (I)AP103 Series; OmniAccess AP103H; OmniAccess (I)AP200
 23 Series - OAW-IAP204-US; OmniAccess (I)AP200 Series - OAW-IAP205-US;
 24 OmniAccess (I)AP205H Series; OmniAccess (I)AP207 Series; OmniAccess (I)AP210
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1 Series - OAW-IAP214-US; OmniAccess (I)AP210 Series - OAW-IAP215-US;
 2 OmniAccess (I)AP220 Series - OAW-IAP224-US; OmniAccess (I)AP220 Series -
 3 OAW-IAP225-US; OmniAccess (I)AP228 Series; OmniAccess (I)AP270 Series;
 4 OmniAccess (I)AP300 Series - OAW-IAP304-US; OmniAccess (I)AP300 Series -
 5 OAW-IAP305-US; OmniAccess (I)AP310 Series - OAW-IAP314-US; OmniAccess
 6 (I)AP310 Series - OAW-IAP315-US; OmniAccess (I)AP320 Series - OAW-IAP324-
 7 US; OmniAccess (I)AP320 Series - OAW-IAP325-US; OmniAccess (I)AP330 Series -
 8 OAW-IAP334-US; OmniAccess (I)AP330 Series - OAW-IAP335-US; OmniAccess
 9 (I)AP360 Series - OAW-AP365-US; OmniAccess (I)AP360 Series - OAW-AP367-US;
 10 OmniAccess RAP108/109; OmniAccess RAP155; OmniAccess RAP3WN/RAP3WNP
 11 and a second computer coupled to the first computer with an access flag such as with
 12 voice-over-LTE or product such as OpenTouch Business Edition; OpenTouch
 13 Multimedia Services; OpenTouch Session Border Controller; OpenTouch Enterprise
 14 Cloud; OmniPCX Enterprise Communication Server; Security Modules; Voice
 15 Messaging Services; DECT Infrastructure; Rainbow; Unified Messaging; OpenTouch
 16 Fax Center; XML Web Services & API's; OpenTouch Conference; OpenTouch
 17 TeamShare; OmniTouch Contact Center Standard Edition; 4059 Extended Edition
 18 Attendant Console; Emergency Notification Server; Mobile Guest Softphone;
 19 OpenTouch Notification Service; OpenTouch Customer Service; OmniPCX Record
 20 Suite; OmniTouch 4625 Interactive Voice Response; Smart Guest Applications; Soft
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1 Panel Manager; Genesys Suite; OpenTouch Conversation for MLE; IP Desktop
2 Softphone; 8115/8125 Audiooffice; OPENTOUCH CONVERSATION FOR iPad;
3 OPENTOUCH CONVERSATION FOR IPHONE AND ANDROID SMARTPHONE;
4 8115 AUDIOFFICE; PC BASED TELEPHONY FOR WINDOWS; PC TELEPHONY;
5 ARUBA CLEARPASS POLICY MANAGER; UNIFIED MESSAGING
6 APPLICATION; and/or the like, and related servers, computers, storage devices, and
7 wireless-network components. Defendant put the inventions claimed by the '284 Patent
8 into service (i.e., used them); but for Defendant's actions, the claimed-inventions
9 embodiments involving Defendant's products and services would never have been put
10 into service. Defendant's acts complained of herein caused those claimed-invention
11 embodiments as a whole to perform, and Defendant obtaining monetary and commercial
12 benefit from it.

13
14 14.ALE USA has and continues to induce infringement. ALE USA has actively
15 encouraged or instructed others (e.g., its customers), and continues to do so, on how to
16 use its products and services (e.g., U.S. wireless networks, wireless-network
17 components [e.g., Control systems such as OmniSwitch Model products; OmniAccess
18 Model products; 7450 Ethernet Service Switch; 7750 SR series; 7750 SR-e series; 7750
19 SR-a series; 7705 Service Aggregation Router; ClearPass Policy; Management System;
20 OmniAccess Model products; Wireless Base Software RELEASE 6.1; Wireless
21 RFprotect Module; ESR WWAN ENABLER; OmniVista Mode products; ARUBA
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1 CLEARPASS ONGUARD; OXO CONNECT; SMALL AND MEDIUM
 2 BUSINESSES control products; OMNISWITCH 6450 SCS SMALL CELL GIGABIT
 3 products; 4059 EXTENDED EDITION ATTENDANT CONSOL; "PROACTIVE
 4 LIFECYCLE MANAGEMENT" products; LGS CODEGUARDIAN; 4000 SERIES
 5 CONTROLLER; 4X50 SERIES CONTROLLERS NEXT-GENERATION
 6 WIRELESS; OMNIVISTA 8770 NETWORK MANAGEMENT SYSTEM and/or the
 7 like, directly or contributorily infringe when used alone or with a WCD or handset such
 8 as Premium DeskPhones; DeskPhones; 4008 IPTouch phone - 8 Series IP Touch
 9 Models; 4018 IPTouch phone - 8 Series IP Touch Models; 4028 IPTouch phone - 8
 10 Series IP Touch Models; 4038 IPTouch phone - 8 Series IP Touch Models; 4068
 11 IPTouch phone - 8 Series IP Touch Models; 4135 IP Conference phone; 4019 Digital
 12 Phone – 9 Series Digital Phones; 4029 Digital Phone – 9 Series Digital Phones; 4039
 13 Digital Phone – 9 Series Digital Phones; Industrial DECT Handsets; Business DECT
 14 Handsets; WLAN Handsets - OmniTouch™ 8118/8128; 8262/8262Ex DECT Handset;
 15 500/500EX DECT HANDSET; IP TOUCH 4008/4018 EXTENDED EDITION
 16 PHONES; IP Desktop Softphone; 8078s-8068s-8058s-8028s Premium DeskPhone s
 17 Series; 8029-8039 PREMIUM DESKPHONES; OmniTouch 8118/8128 WLAN
 18 Handsets and/or the like when used alone or when using with a transceiver with an
 19 antennae, such as, with one or more of, OmniAccess AP1101; OmniAccess (I)AP103
 20 Series; OmniAccess AP103H; OmniAccess (I)AP200 Series - OAW-IAP204-US;
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1 OmniAccess (I)AP200 Series - OAW-IAP205-US; OmniAccess (I)AP205H Series;
 2 OmniAccess (I)AP207 Series; OmniAccess (I)AP210 Series - OAW-IAP214-US;
 3
 4 OmniAccess (I)AP210 Series - OAW-IAP215-US; OmniAccess (I)AP220 Series -
 5 OAW-IAP224-US; OmniAccess (I)AP220 Series - OAW-IAP225-US; OmniAccess
 6 (I)AP228 Series; OmniAccess (I)AP270 Series; OmniAccess (I)AP300 Series - OAW-
 7 IAP304-US; OmniAccess (I)AP300 Series - OAW-IAP305-US; OmniAccess (I)AP310
 8 Series - OAW-IAP314-US; OmniAccess (I)AP310 Series - OAW-IAP315-US;
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 10 OmniAccess (I)AP320 Series - OAW-IAP324-US; OmniAccess (I)AP320 Series -
 11 OAW-IAP325-US; OmniAccess (I)AP330 Series - OAW-IAP334-US; OmniAccess
 12 (I)AP330 Series - OAW-IAP335-US; OmniAccess (I)AP360 Series - OAW-AP365-US;
 13
 14 OmniAccess (I)AP360 Series - OAW-AP367-US; OmniAccess RAP108/109;
 15
 16 OmniAccess RAP155; OmniAccess RAP3WN/RAP3WNP and a second computer
 17 coupled to the first computer with an access flag such as with voice-over-LTE or product
 18 such as OpenTouch Business Edition; OpenTouch Multimedia Services; OpenTouch
 19 Session Border Controller; OpenTouch Enterprise Cloud; OmniPCX Enterprise
 20 Communication Server; Security Modules; Voice Messaging Services; DECT
 21 Infrastructure; Rainbow; Unified Messaging; OpenTouch Fax Center; XML Web
 22 Services & API's; OpenTouch Conference; OpenTouch TeamShare; OmniTouch
 23 Contact Center Standard Edition; 4059 Extended Edition Attendant Console;
 24
 25 Emergency Notification Server; Mobile Guest Softphone; OpenTouch Notification
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1 Service; OpenTouch Customer Service; OmniPCX Record Suite; OmniTouch 4625
2 Interactive Voice Response; Smart Guest Applications; Soft Panel Manager; Genesys
3 Suite; OpenTouch Conversation for MLE; IP Desktop Softphone; 8115/8125
4 Audiooffice; OPENTOUCH CONVERSATION FOR iPad; OPENTOUCH
5 CONVERSATION FOR IPHONE AND ANDROID SMARTPHONE; 8115
6 AUDIOFFICE; PC BASED TELEPHONY FOR WINDOWS; PC TELEPHONY;
7 ARUBA CLEARPASS POLICY MANAGER; UNIFIED MESSAGING
8 APPLICATION; and/or the like, and related servers, computers, storage devices, and
9 wireless-network components], and related services that use identified locations of
10 wireless devices to perform adjustments such to cause infringement one or more claims
11 of the '284 patent, including—for example—Claims 1 and 4, literally or under the
12 doctrine of equivalents. Moreover, ALE USA has known and should have known of the
13 '284 patent, by at least by the date of the patent's issuance, which followed the date that
14 a family-related patent's underlying application was cited to ALE USA by the U.S.
15 Patent and Trademark Office during prosecution of one of ALE USA's patent
16 applications, such that ALE USA knew and should have known that it was and would
17 be inducing infringement. Further, evidence exists that shows ALE USA knew of the
18 published patent Application, 20080045234, since at least May of 2013 when it was
19 cited against a patent application assigned to ALE USA, USSN 13/389,495. Further,
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1 other evidence exists in the record the Reed published application was cited against ALE
2 USA applications on multiple occasions.
3

4 15. ALE USA has caused and will continue to cause Traxcell damage by infringing
5 (including inducing infringement of) the '284 patent.
6

7 **V. INFRINGEMENT ('024 Patent (attached as Exhibit C))**

8 16. On May 2, 2017, U.S. Patent No. 9,642,024 (“the '024 patent”) entitled “Machine
9 for Providing a Dynamic Database of Geographic Location Information for a Plurality
10 of Wireless Devices and Process for Making Same” was duly and legally issued by the
11 U.S. Patent and Trademark Office. Traxcell owns the '024 patent by assignment.
12

13 17. The '024 Patent's Abstract states, “For a wireless network, a tuning system in
14 which mobile phones using the network are routinely located. With the location of the
15 mobile phones identified, load adjustments for the system are easily accomplished so
16 that the wireless network is not subject to an overload situation. Ideally the location of
17 the mobile phones is accomplished whether the mobile phones are transmitting voice
18 data or not.”
19
20

21 18. ALE makes, uses, offers to sell, or sells within or imports into the U.S. wireless
22 networks, wireless-network components, and related services that use identified
23 locations of wireless devices to perform adjustments such that Motorola Solutions
24 infringes one or more claims of the '024 patent, including—for example—Claims 1, 6,
25 11, and 17, literally or under the doctrine of equivalents. Examples of products and
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systems accused of infringing include Control systems such as OmniSwitch Model
 products; OmniAccess Model products; 7450 Ethernet Service Switch; 7750 SR series;
 7750 SR-e series; 7750 SR-a series; 7705 Service Aggregation Router; ClearPass Policy;
 Management System; OmniAccess Model products; Wireless Base Software RELEASE
 6.1; Wireless RFprotect Module; ESR WWAN ENABLER; OmniVista Mode products;
 ARUBA CLEARPASS ONGUARD; OXO CONNECT; SMALL AND MEDIUM
 BUSINESSES control products; OMNISWITCH 6450 SCS SMALL CELL GIGABIT
 products; 4059 EXTENDED EDITION ATTENDANT CONSOL; "PROACTIVE
 LIFECYCLE MANAGEMENT" products; LGS CODEGUARDIAN; 4000 SERIES
 CONTROLLER; 4X50 SERIES CONTROLLERS NEXT-GENERATION
 WIRELESS; OMNIVISTA 8770 NETWORK MANAGEMENT SYSTEM and/or the
 like, directly or contributorily infringe when used alone or with a WCD or handset such
 as Premium DeskPhones; DeskPhones; 4008 IPTouch phone - 8 Series IP Touch
 Models; 4018 IPTouch phone - 8 Series IP Touch Models; 4028 IPTouch phone - 8
 Series IP Touch Models; 4038 IPTouch phone - 8 Series IP Touch Models; 4068
 IPTouch phone - 8 Series IP Touch Models; 4135 IP Conference phone; 4019 Digital
 Phone – 9 Series Digital Phones; 4029 Digital Phone – 9 Series Digital Phones; 4039
 Digital Phone – 9 Series Digital Phones; Industrial DECT Handsets; Business DECT
 Handsets; WLAN Handsets - OmniTouch™ 8118/8128; 8262/8262Ex DECT Handset;
 500/500EX DECT HANDSET; IP TOUCH 4008/4018 EXTENDED EDITION

PHONES; IP Desktop Softphone; 8078s-8068s-8058s-8028s Premium DeskPhone s
 Series; 8029-8039 PREMIUM DESKPHONES; OmniTouch 8118/8128 WLAN
 Handsets and/or the like when used alone or when using with a transceiver with an
 antennae, such as, with one or more of, OmniAccess AP1101; OmniAccess (I)AP103
 Series; OmniAccess AP103H; OmniAccess (I)AP200 Series - OAW-IAP204-US;
 OmniAccess (I)AP200 Series - OAW-IAP205-US; OmniAccess (I)AP205H Series;
 OmniAccess (I)AP207 Series; OmniAccess (I)AP210 Series - OAW-IAP214-US;
 OmniAccess (I)AP210 Series - OAW-IAP215-US; OmniAccess (I)AP220 Series -
 OAW-IAP224-US; OmniAccess (I)AP220 Series - OAW-IAP225-US; OmniAccess
 (I)AP228 Series; OmniAccess (I)AP270 Series; OmniAccess (I)AP300 Series - OAW-
 IAP304-US; OmniAccess (I)AP300 Series - OAW-IAP305-US; OmniAccess (I)AP310
 Series - OAW-IAP314-US; OmniAccess (I)AP310 Series - OAW-IAP315-US;
 OmniAccess (I)AP320 Series - OAW-IAP324-US; OmniAccess (I)AP320 Series -
 OAW-IAP325-US; OmniAccess (I)AP330 Series - OAW-IAP334-US; OmniAccess
 (I)AP330 Series - OAW-IAP335-US; OmniAccess (I)AP360 Series - OAW-AP365-US;
 OmniAccess (I)AP360 Series - OAW-AP367-US; OmniAccess RAP108/109;
 OmniAccess RAP155; OmniAccess RAP3WN/RAP3WNP and a second computer
 coupled to the first computer with an access flag such as with voice-over-LTE or product
 such as OpenTouch Business Edition; OpenTouch Multimedia Services; OpenTouch
 Session Border Controller; OpenTouch Enterprise Cloud; OmniPCX Enterprise

1 Communication Server; Security Modules; Voice Messaging Services; DECT
2 Infrastructure; Rainbow; Unified Messaging; OpenTouch Fax Center; XML Web
3 Services & API's; OpenTouch Conference; OpenTouch TeamShare; OmniTouch
4 Contact Center Standard Edition; 4059 Extended Edition Attendant Console;
5 Emergency Notification Server; Mobile Guest Softphone; OpenTouch Notification
6 Service; OpenTouch Customer Service; OmniPCX Record Suite; OmniTouch 4625
7 Interactive Voice Response; Smart Guest Applications; Soft Panel Manager; Genesys
8 Suite; OpenTouch Conversation for MLE; IP Desktop Softphone; 8115/8125
9 Audiooffice; OPENTOUCH CONVERSATION FOR iPad; OPENTOUCH
10 CONVERSATION FOR IPHONE AND ANDROID SMARTPHONE; 8115
11 AUDIOFFICE; PC BASED TELEPHONY FOR WINDOWS; PC TELEPHONY;
12 ARUBA CLEARPASS POLICY MANAGER; UNIFIED MESSAGING
13 APPLICATION; and/or the like, and related servers, computers, storage devices, and
14 wireless-network components. Defendant put the inventions claimed by the '024 Patent
15 into service (i.e., used them); but for Defendant's actions, the claimed-inventions
16 embodiments involving Defendant's products and services would never have been put
17 into service. Defendant's acts complained of herein caused those claimed-invention
18 embodiments as a whole to perform, and Defendant obtaining monetary and commercial
19 benefit from it.

1 19.ALE has and continues to induce infringement. ALE has actively encouraged or
2 instructed others (e.g., its customers), and continues to do so, on how to use its products
3 and services (e.g., U.S. wireless networks, wireless-network components [e.g., Control
4 systems such as OmniSwitch Model products; OmniAccess Model products; 7450
5 Ethernet Service Switch; 7750 SR series; 7750 SR-e series; 7750 SR-a series; 7705
6 Service Aggregation Router; ClearPass Policy; Management System; OmniAccess
7 Model products; Wireless Base Software RELEASE 6.1; Wireless RFprotect Module;
8 ESR WWAN ENABLER; OmniVista Mode products; ARUBA CLEARPASS
9 ONGUARD; OXO CONNECT; SMALL AND MEDIUM BUSINESSES control
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11 EXTENDED EDITION ATTENDANT CONSOL; "PROACTIVE LIFECYCLE
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20 Digital Phone – 9 Series Digital Phones; 4039 Digital Phone – 9 Series Digital Phones;
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 7 or more of, OmniAccess AP1101; OmniAccess (I)AP103 Series; OmniAccess AP103H;
 8 OmniAccess (I)AP200 Series - OAW-IAP204-US; OmniAccess (I)AP200 Series -
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 10 OmniAccess (I)AP210 Series - OAW-IAP214-US; OmniAccess (I)AP210 Series -
 11 OAW-IAP215-US; OmniAccess (I)AP220 Series - OAW-IAP224-US; OmniAccess
 12 (I)AP220 Series - OAW-IAP225-US; OmniAccess (I)AP228 Series; OmniAccess
 13 (I)AP270 Series; OmniAccess (I)AP300 Series - OAW-IAP304-US; OmniAccess
 14 (I)AP300 Series - OAW-IAP305-US; OmniAccess (I)AP310 Series - OAW-IAP314-
 15 US; OmniAccess (I)AP310 Series - OAW-IAP315-US; OmniAccess (I)AP320 Series -
 16 OAW-IAP324-US; OmniAccess (I)AP320 Series - OAW-IAP325-US; OmniAccess
 17 (I)AP330 Series - OAW-IAP334-US; OmniAccess (I)AP330 Series - OAW-IAP335-
 18 US; OmniAccess (I)AP360 Series - OAW-AP365-US; OmniAccess (I)AP360 Series -
 19 OAW-AP367-US; OmniAccess RAP108/109; OmniAccess RAP155; OmniAccess
 20 RAP3WN/RAP3WNP and a second computer coupled to the first computer with an
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1 access flag such as with voice-over-LTE or product such as OpenTouch Business
2 Edition; OpenTouch Multimedia Services; OpenTouch Session Border Controller;
3 OpenTouch Enterprise Cloud; OmniPCX Enterprise Communication Server; Security
4 Modules; Voice Messaging Services; DECT Infrastructure; Rainbow; Unified
5 Messaging; OpenTouch Fax Center; XML Web Services & API's; OpenTouch
6 Conference; OpenTouch TeamShare; OmniTouch Contact Center Standard Edition;
7 4059 Extended Edition Attendant Console; Emergency Notification Server; Mobile
8 Guest Softphone; OpenTouch Notification Service; OpenTouch Customer Service;
9 OmniPCX Record Suite; OmniTouch 4625 Interactive Voice Response; Smart Guest
10 Applications; Soft Panel Manager; Genesys Suite; OpenTouch Conversation for MLE;
11 IP Desktop Softphone; 8115/8125 Audiooffice; OPENTOUCH CONVERSATION FOR
12 iPad; OPENTOUCH CONVERSATION FOR IPHONE AND ANDROID
13 SMARTPHONE; 8115 AUDIOFFICE; PC BASED TELEPHONY FOR WINDOWS;
14 PC TELEPHONY; ARUBA CLEARPASS POLICY MANAGER; UNIFIED
15 MESSAGING APPLICATION; and/or the like, and related servers, computers, storage
16 devices, and wireless-network components.], and related services that use identified
17 locations of wireless devices to perform adjustments such to cause infringement one or
18 more claims of the '024 patent, including—for example—Claims 1, 6, 11 and 17,
19 literally or under the doctrine of equivalents.
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1 20. Moreover, ALE USA has known and should have known of the '024 patent, by at
2 least by the date of the patent's issuance, which followed the date that a family-related
3 patent's underlying application was cited to ALE USA by the U.S. Patent and Trademark
4 Office during prosecution of one of ALE USA's patent applications, such that ALE USA
5 knew and should have known that it was and would be inducing infringement. Further,
6 evidence exists that shows ALE USA knew of the published patent Application,
7 20080045234, since at least May of 2013 when it was cited against a patent application
8 assigned to ALE USA, USSN 13/389,495. Further, other evidence exists in the record
9 the Reed published application was cited against ALE USA applications on multiple
10 occasions.
11

12 21. ALE has caused and will continue to cause Traxcell damage by infringing
13 (including inducing infringement of) the '024 patent.
14

15 PRAYER FOR RELIEF

16 WHEREFORE, Traxcell respectfully requests that this Court:
17

- 18 i. enter judgment that ALE USA has infringed the '284, '320, and '024 patents;
- 19 ii. award Traxcell damages in an amount sufficient to compensate it for ALE USA's
20 infringement of the '284, '320, and '024 patents, in an amount for infringement
21 of each patent of no less than a reasonable royalty, together with prejudgment and
22 post-judgment interest and costs under 35 U.S.C. § 284;
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- 1 iii. award Traxcell an accounting for acts of infringement not presented at trial and
2 an award by the Court of additional damage for any such acts of infringement;
3
4 iv. declare this case to be “exceptional” under 35 U.S.C. § 285 and award Traxcell
5 its attorneys’ fees, expenses, and costs incurred in this action; and
6
7 v. award Traxcell such other and further relief as this Court deems just and proper.

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10
JURY DEMAND

Traxcell hereby requests a trial by jury on issues so triable by right.

11 DATED: August 2, 2019

Respectfully submitted,

12
13 **Ramey & Schwaller, LLP**

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Attorneys for Traxcell Technologies, LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

DATED: AUGUST 2, 2019

/s/William P. Ramey, III
William P. Ramey, III