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8 SONOHM LICENSING LLC, a Texas limited liability company

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **SONOHM LICENSING LLC,**

12 Plaintiff,

13 v.

14 **ROKIT INC.,**

15 Defendant.

Case No. 2:19-cv-7569

**ORIGINAL COMPLAINT FOR  
PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

17 Plaintiff Sonohm Licensing LLC files this Original Complaint for Patent  
18 Infringement against Rokit Inc., and would respectfully show the Court as follows:

19 **I. THE PARTIES**

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21 1. Plaintiff Sonohm Licensing LLC (“Sonohm” or “Plaintiff”) is a Texas  
22 limited liability company with its principal place of business at 15922 Eldorado  
23 Pkwy, Suite 500-1641, Frisco, TX 75035.

24  
25 2. On information and belief, Defendant Rokit Inc. (“Defendant”) is a  
26 limited liability company organized and existing under the laws of California, with  
27 a place of business at 17383 W Sunset Blvd Ste A300, Pacific Palisades, CA  
28

1 90272. Defendant has a registered agent at United Agent Group Inc., 4640  
2 Admiralty Way, 5th Floor, Marina del Rey, CA 90292.

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4 **II. JURISDICTION AND VENUE**

5 3. This action arises under the patent laws of the United States, Title 35  
6 of the United States Code. This Court has subject matter jurisdiction of such  
7 action under 28 U.S.C. §§ 1331 and 1338(a).

9 4. On information and belief, Defendant is subject to this Court's  
10 specific and general personal jurisdiction, pursuant to due process and the  
11 California Long-Arm Statute, due at least to its business in this forum, including at  
12 least a portion of the infringements alleged herein. Furthermore, Defendant is  
13 subject to this Court's specific and general personal jurisdiction because Defendant  
14 is a California corporation and it has a place of business within this District.  
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17 5. Without limitation, on information and belief, within this State and  
18 this District, Defendant has used the patented inventions thereby committing, and  
19 continuing to commit, acts of patent infringement alleged herein. In addition, on  
20 information and belief, Defendant has derived revenues from its infringing acts  
21 occurring within California and this District. Further, on information and belief,  
22 Defendant is subject to the Court's general jurisdiction, including from regularly  
23 doing or soliciting business, engaging in other persistent courses of conduct, and  
24 deriving substantial revenue from goods and services provided to persons or  
25 entities in California and this District. Further, on information and belief,  
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1 Defendant is subject to the Court’s personal jurisdiction at least due to its sale of  
2 products and/or services within California and this District. Defendant has  
3 committed such purposeful acts and/or transactions in California and this District  
4 such that it reasonably should know and expect that it could be haled into this  
5 Court as a consequence of such activity.  
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8 6. Venue is proper in this district under 28 U.S.C. § 1400(b). On  
9 information and belief, Defendant is incorporated in California, and it has a place  
10 of business within this District. On information and belief, from and within this  
11 District Defendant has committed at least a portion of the infringements at issue in  
12 this case.  
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15 7. For these reasons, personal jurisdiction exists and venue is proper in  
16 this Court under 28 U.S.C. § 1400(b).

17 **III. COUNT I**  
18 **(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 6,651,207)**

19 8. Plaintiff incorporates the above paragraphs herein by reference.

20  
21 9. On November 18, 2003, United States Patent No. 6,651,207 (“the  
22 ‘207 Patent”) was duly and legally issued by the United States Patent and  
23 Trademark Office. The ‘207 Patent is titled “Method and System for Improving  
24 Voice Quality in Cordless Communications.” A true and correct copy of the ‘207  
25 Patent is attached hereto as Exhibit A and incorporated herein by reference.  
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1           10. Sonohm is the assignee of all right, title and interest in the ‘207  
2 patent, including all rights to enforce and prosecute actions for infringement and to  
3 collect damages for all relevant times against infringers of the ‘207 Patent.  
4 Accordingly, Sonohm possesses the exclusive right and standing to prosecute the  
5 present action for infringement of the ‘207 Patent by Defendant.  
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8           11. The application leading to the ‘207 patent was filed August 20, 1999.  
9 (Ex. A at cover).

10           12. The invention in the ‘207 Patent relates to the field of  
11 telecommunications and more particularly improving voice quality in cordless  
12 communications. (*Id.* at col. 1:8-10).

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14           13. In conventional cordless voice communication systems, there is  
15 typically a base station which acts as a master supporting a plurality of mobile  
16 units, which act as slaves. (*Id.* at col. 1:13-17). The master base station establishes  
17 communication links with the mobile units and has a function to detect errors over  
18 the communications links with the mobile units. (*Id.* at col. 1:17-20).

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20           14. Predictive methods have been used to suppress distorted data packets  
21 in order to improve voice quality over the communication link. (*Id.* at col. 1:21-  
22 24). The particular method chosen generally depends on the speed at which errors  
23 over the communication links can be detected. (*Id.* at col. 1:24-26). In cordless  
24 systems in which the single carrier is used, data packets are correlated from  
25 transmission to transmission such that if the quality of a first transmission is poor  
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1 then it is highly likely that the next transmission will also be poor. (*Id.* at col.  
2 1:26-28). As a result, from the data packets from the first transmission, the quality  
3 of the data packets for the next transmission can be predicted and the base station  
4 can suitably and prospectively suppress distorted data packets. (*Id.* at col. 1:29-  
5 33).  
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8 15. However, frequency hopping systems, which use various carriers over  
9 each communication link and change the carriers from time to time, a problem  
10 arises when a communication link encounters interference problems affecting the  
11 quality of the communications link. (*Id.* at col. 1:35-40). In a frequency hopping  
12 scheme, the base station and mobile units generally move in sync in time from  
13 frequency to frequency. (*Id.* at col. 3:55-57). Mobile units not initially synced  
14 with a base unit “listen” to a specific radio frequency to attempt to lock on to the  
15 base station. (*Id.* at col. 3:57-61). When the base station hops to that specific  
16 frequency, the mobile units identify and receive control data transmitted by the  
17 base station, which allows the mobile units to lock with the base station and sync  
18 with the frequency hopping scheme. (*Id.* at col. 3:61-65). The frequency hopping  
19 scheme therefore helps the wireless communication system to avoid bad channels  
20 or frequencies due to radio frequency interference and other problems. (*Id.* at col.  
21 3:65 – col. 4:1).  
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27 16. The challenging problem of the frequency hopping scheme is that the  
28 system algorithms ensure that, unlike same carrier wireless communications, the

1 contents of consecutive data packets are not correlated. (*Id.* at col. 4:4-7). There is  
2 also no way to derive from the first transmission the necessary parameters to  
3 perform packet suppression for the second transmission. (*Id.* at col. 1:46-48). In  
4 other words, the quality of a prior data packet cannot be used to predict the quality  
5 of successive data packets. (*Id.* at col. 1:42-46, col. 4:7-10). This problem  
6 frustrates users and has been a longstanding challenge to the developers of cordless  
7 communication devices. (*Id.* at col. 48-51). The inventors therefore sought ways  
8 to improve voice quality in cordless communications that used frequency hopping  
9 schemes.  
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13 17. The following is an exemplary implementation of the claimed  
14 invention. To improve the voice quality over each communication link, the base  
15 station can select a frequency in which to establish a link between the base station  
16 and a mobile unit. (*Id.* at col. 4:11-15). The base station monitors the quality of  
17 the frequency used on the link. (*Id.* at col. 4:15-16). The quality of the frequency  
18 can be determined by measuring parameters that indicate that signal bursts or parts  
19 of signal bursts are lost or corrupted over the communication link, or the strength  
20 of the signal over the communication link. (*Id.* at col. 4:16-20). If the quality of  
21 the frequency is unacceptable, the frequency may be marked as bad such that the  
22 next time the marked frequency is used in the frequency hopping scheme, the base  
23 station corrects the error. (*Id.* at col. 4:20-27). For example, the base station may  
24 mute the data or communicate to the mobile unit that it should use the prior data  
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1 packet. (*Id.* at col. 4:27-29). Because the base station evaluates on a frequency-  
2 by-frequency basis, each mobile unit may actively communication with the base  
3 station on the same or individual frequencies that minimize the loss of voice  
4 information over individual links associated with each unit. (*Id.* at col. 4:36-41).  
5 For example, if a mobile communication system defines twelve different subsets  
6 for groups channels within the frequency band, the system can select the current  
7 best ten out of the twelve available subsets to communicate and block the  
8 remaining two subsets because those subsets represent poor quality for that  
9 communication link. (*Id.* at col. 6:17-24).  
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13 18. The claimed invention has a technical advantage over the prior art  
14 through its ability to automatically monitor the quality of the frequency used on an  
15 individual communications link so that the base station may then perform data  
16 correction on the frequency in response to monitored quality of the frequency. (*Id.*  
17 at col. 2:14-19). This scheme to improve voice quality can be used with any  
18 algorithm to prevent interference with multiple base stations in a system. (*Id.* at  
19 col. 4:42-44). Furthermore, this scheme can also avoid selecting frequencies  
20 yielding poor quality for individual communication links. (*Id.* at col. 4:50-52).  
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24 19. During the prosecution history of the '207 patent, applicant discussed  
25 the unconventional features of the claimed invention that distinguished the  
26 invention from the prior art. A distinguishing claim limitation discussed was  
27 "selecting another frequency after the first time period to transmit and receive data  
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1 over the communication link; after selecting the another frequency, selecting,  
2 during a second time period, the frequency that was monitored during the first time  
3 period; and performing, during the second time period, error correction on the  
4 selected frequency in response to the monitored quality monitored during the first  
5 time period,” and similar limitations. (Ex. B at 8-9). The prior art did not disclose  
6 being able to “select and monitor a first frequency, select a second frequency, then  
7 select the first frequency again, and then perform error correction for the first  
8 frequency in response to the monitoring of the first frequency prior to a selection  
9 of the second frequency.” (*Id.* at 8). Rather the prior art disclosed using coder and  
10 decoder for detection and correction of errors and carrying out judgement and  
11 correction of errors in data as the signal is received. (*Id.* at 8-9).

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16 20. The ‘207 patent was cited during the prosecution history of patents  
17 and patent applications owned by companies including Sprint Communications  
18 Company L.P., Cisco Technology, Inc. AT&T Intellectual Property I, L.P., RF  
19 Micro Devices, Inc. Qualcomm Incorporated, and Samsung Electronics Co. (*See*  
20 [http://patft.uspto.gov/netacgi/nph-  
21 Parser?Sect1=PTO2&Sect2=HITOFF&p=1&u=%2Fnethtml%2FPTO%2Fsearch-  
22 bool.html&r=3&f=G&l=50&col=AND&d=PTXT&s1=6,651,207&OS=6,651,207  
23 &RS=6,651,207;](http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&p=1&u=%2Fnethtml%2FPTO%2Fsearch-bool.html&r=3&f=G&l=50&col=AND&d=PTXT&s1=6,651,207&OS=6,651,207&RS=6,651,207;)  
24 <https://patents.google.com/patent/US6651207B1/en?q=6%2c651%2c207>).



1           21. **Direct Infringement.** Upon information and belief, Defendant has  
2 been directly infringing at least claim 11 of the '207 patent in California, this  
3 District, and elsewhere in the United States, by performing actions comprising  
4 using or performing the claimed method for improving voice quality in cordless  
5 communications by using the ROKiT iO Pro 3D, iO 3D, iO Light, and One  
6 ("Accused Instrumentality").  
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9           22. Upon information and belief, the Accused Instrumentality performs  
10 the step of selecting a unique carrier frequency over an individual communication  
11 link, the communication link operable to carry data between at least one mobile  
12 unit and a base station. For example, the Accused Instrumentalities implement  
13 Bluetooth 4.0 (or later version). (E.g., <https://rokgroup.com/iopro3d>;  
14 [https://rokitphones.com/local/rokitphones.com/docs/products/specs/rokit-io-pro-](https://rokitphones.com/local/rokitphones.com/docs/products/specs/rokit-io-pro-3d.pdf)  
15 [3d.pdf](https://rokitphones.com/local/rokitphones.com/docs/products/specs/rokit-io-pro-3d.pdf);  
16 <https://rokitphones.com/us/phones/io3d/>;  
17 <https://rokitphones.com/us/phones/iolight/>;  
18 <https://rokitphones.com/us/phones/one/>). Using Bluetooth 4.0 (or later version)  
19 selects a unique carrier frequency (e.g., a frequency that is determined by adaptive  
20 frequency hopping (AFH) pattern) over an individual communication link  
21 (Bluetooth link), the communication link (e.g., Bluetooth link) operable to carry  
22 data between at least one mobile unit (e.g., slaves, such as a Bluetooth device) and  
23 a base station (e.g., master, such as a computer, laptop, tablet, or mobile phone).  
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1 (E.g., [http://download.ni.com/evaluation/rf/intro\\_to\\_bluetooth\\_test.pdf](http://download.ni.com/evaluation/rf/intro_to_bluetooth_test.pdf);  
2 [https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc\\_id=456433](https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc_id=456433)).  
3

4 23. Upon information and belief, the Accused Instrumentality performs  
5 the step of monitoring the quality of the selected frequency during a first time  
6 period. For example, using Bluetooth 4.0 (or later version) monitors the quality of  
7 the selected frequency during a first time period for example by assessing whether  
8 a channel should be classified as bad because an interference-level measure  
9 associated with it has exceeded a threshold. (E.g., [https://cdn.rohde-  
10 schwarz.com/pws/dl\\_downloads/dl\\_application/application\\_notes/1c108/1C108\\_0  
11 e\\_Bluetooth\\_BR\\_EDR\\_AFH.pdf](https://cdn.rohde-schwarz.com/pws/dl_downloads/dl_application/application_notes/1c108/1C108_0_e_Bluetooth_BR_EDR_AFH.pdf);  
12

13 [https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc\\_id=456433](https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc_id=456433)).  
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16 24. Upon information and belief, the Accused Instrumentality performs  
17 the step of selecting another frequency after the first time period to transmit and  
18 receive data over the communication link. For example, with Bluetooth 4.0 (or  
19 later version), the physical channel is sub-divided into time units known as slots.  
20

21 (E.g.,  
22 [https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc\\_id=456433](https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc_id=456433)).  
23

24 Data is transmitted/received between Bluetooth devices in packets that are  
25 positioned in these slots. (*Id.*). Frequency hopping takes place between the  
26 transmission or reception of packets. (*Id.*)  
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1           25. Upon information and belief, the Accused Instrumentality performs  
2 the step of after selecting the another frequency, selecting, during a second time  
3 period, the frequency that was monitored during the first time period. For  
4 example, Bluetooth 4.0 (or later version) after selecting another frequency (*e.g.*,  
5 frequency hopping) selects at a second time period the frequency that was  
6 monitored during the first time period (*e.g.*, the system returns to monitor the first  
7 frequency again to determine whether the first frequency is still bad). (*E.g.*,  
8 [https://cdn.rohde-](https://cdn.rohde-schwarz.com/pws/dl_downloads/dl_application/application_notes/1c108/1C108_0_e_Bluetooth_BR_EDR_AFH.pdf)  
9 [schwarz.com/pws/dl\\_downloads/dl\\_application/application\\_notes/1c108/1C108\\_0](https://cdn.rohde-schwarz.com/pws/dl_downloads/dl_application/application_notes/1c108/1C108_0_e_Bluetooth_BR_EDR_AFH.pdf)  
10 [e\\_Bluetooth\\_BR\\_EDR\\_AFH.pdf](https://cdn.rohde-schwarz.com/pws/dl_downloads/dl_application/application_notes/1c108/1C108_0_e_Bluetooth_BR_EDR_AFH.pdf);  
11 [https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc\\_id=456433](https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc_id=456433)).

12           26. Upon information and belief, the Accused Instrumentality performs  
13 the step of performing, during the second time period, error correction on the  
14 selected frequency in response to the monitored quality monitored during the first  
15 time period. For example, Bluetooth 4.0 (or later version) performs the step of  
16 performing, during the second time period, error correction (*e.g.*, marking the  
17 frequency as bad, suppresses any data packets that are to be next transmitted  
18 utilizing the bad frequency, and/or retransmitting the data packet) on the selected  
19 frequency in response to the monitored quality monitored during the first time  
20 period. (*E.g.*, [https://cdn.rohde-](https://cdn.rohde-schwarz.com/pws/dl_downloads/dl_application/application_notes/1c108/1C108_0_e_Bluetooth_BR_EDR_AFH.pdf)  
21 [schwarz.com/pws/dl\\_downloads/dl\\_application/application\\_notes/1c108/1C108\\_0](https://cdn.rohde-schwarz.com/pws/dl_downloads/dl_application/application_notes/1c108/1C108_0_e_Bluetooth_BR_EDR_AFH.pdf)  
22 [e\\_Bluetooth\\_BR\\_EDR\\_AFH.pdf](https://cdn.rohde-schwarz.com/pws/dl_downloads/dl_application/application_notes/1c108/1C108_0_e_Bluetooth_BR_EDR_AFH.pdf);  
23 [https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc\\_id=456433](https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc_id=456433)).

24           27. Upon information and belief, the Accused Instrumentality performs  
25 the step of performing, during the second time period, error correction on the  
26 selected frequency in response to the monitored quality monitored during the first time  
27 period. (*E.g.*, [https://cdn.rohde-](https://cdn.rohde-schwarz.com/pws/dl_downloads/dl_application/application_notes/1c108/1C108_0_e_Bluetooth_BR_EDR_AFH.pdf)  
28 [schwarz.com/pws/dl\\_downloads/dl\\_application/application\\_notes/1c108/1C108\\_0](https://cdn.rohde-schwarz.com/pws/dl_downloads/dl_application/application_notes/1c108/1C108_0_e_Bluetooth_BR_EDR_AFH.pdf)  
[e\\_Bluetooth\\_BR\\_EDR\\_AFH.pdf](https://cdn.rohde-schwarz.com/pws/dl_downloads/dl_application/application_notes/1c108/1C108_0_e_Bluetooth_BR_EDR_AFH.pdf);  
[https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc\\_id=456433](https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc_id=456433)).

1 [e Bluetooth BR EDR AFH.pdf](#);

2 [https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc\\_id=456433](https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc_id=456433);

3  
4 [http://download.ni.com/evaluation/rf/intro\\_to\\_bluetooth\\_test.pdf](http://download.ni.com/evaluation/rf/intro_to_bluetooth_test.pdf)).

5 27. Plaintiff has been damaged as a result of Defendant's infringing  
6 conduct. Defendant is thus liable to Plaintiff for damages in an amount that  
7 adequately compensates Plaintiff for such Defendant's infringement of the '207  
8 patent, *i.e.*, in an amount that by law cannot be less than would constitute a  
9 reasonable royalty for the use of the patented technology, together with interest and  
10 costs as fixed by this Court under 35 U.S.C. § 284.  
11

12  
13 28. On information and belief, Defendant has had at least constructive  
14 notice of the '207 patent by operation of law and marking requirements have been  
15 complied with.  
16

17 **IV. COUNT II**  
18 **(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 7,106,705)**

19 29. Plaintiff incorporates the above paragraphs herein by reference.

20 30. On September 12, 2006, United States Patent No. 7,106,705 ("the  
21 '705 Patent") was duly and legally issued by the United States Patent and  
22 Trademark Office. The '705 Patent is titled "Method and Communication System  
23 for Transmitting Data for a Combination of Several Services via Jointly Used  
24 Physical Channels." A true and correct copy of the '705 Patent is attached hereto  
25 as Exhibit C and incorporated herein by reference.  
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1           31. Sonohm is the assignee of all right, title and interest in the ‘705  
2 patent, including all rights to enforce and prosecute actions for infringement and to  
3 collect damages for all relevant times against infringers of the ‘705 Patent.  
4 Accordingly, Sonohm possesses the exclusive right and standing to prosecute the  
5 present action for infringement of the ‘705 Patent by Defendant.  
6

7  
8           32. The U.S. application leading to the ‘705 patent was filed May 21,  
9 2001 based on a PCT filed date of November 24, 1999. (Ex. C at cover).

10           33. The invention in the ‘705 Patent relates to the field of communication  
11 for transmitting data for a combination of a plurality of services via jointly used  
12 physical connections. (Id. at col. 1:8-11).

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14           34. A communication system provides one or more physical transmission  
15 channels for transmitting data between a data source and a data sink. (Id. at col.  
16 1:15-16). Transmission channels may be a wide variety of types including cable-  
17 conducted using electrical or optical signal, or radio transmission via a radio  
18 interface using electromagnetic waves. (Id. at col. 1:17-20).

19  
20           35. Radio transmission is used in mobile radio systems in order to set up a  
21 connection to a nonstationary subscriber, such as a mobile station. (Id. at col.  
22 1:24-24). A mobile station, for example, can be a mobile phone, a laptop  
23 computer, or a Bluetooth device. Within coverage of the network, the mobile  
24 stations can request a connection from any desired location, or a connection can be  
25 set up to the mobile station. (Id. at col. 1:25-28). The most common mobile radio  
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1 system at the time of the patent application was GSM, which was developed for a  
2 single service (voice transmission). (*Id.* at col. 1:28-31).

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4 36. In contrast, at the time the application was filed, Europe was  
5 standardizing another mobile radio generation, UMTS, which could provide a  
6 plurality of services. (*Id.* at col. 1:35-40). Such a standardization had  
7 documentation that typically provide an overview of how a transmission protocol  
8 can support the transport of data for a plurality of services. (*Id.* at col. 1:41-48).  
9 The use of a physical channel for transmitting data for a plurality of services  
10 presupposes that a unique mapping specification indicates the allocation of the  
11 services to different segments of the physical channel. (*Id.* at col. 1:49-52). For  
12 example, a physical channel could be defined as a frequency band, a spread code,  
13 and a time slot within a frame. (*Id.* at col. 1:52-55). In order to be able to select  
14 the currently used combinations of the transport formats for the various services in  
15 line with requirements, the TFC<sup>1</sup> needs to be able to be changed and therefore the  
16 TFCI<sup>2</sup> needs to be signaled regularly. (*Id.* at col. 2:15-18). However, this  
17 signaling ties up transmission capacity. (*Id.* at col. 2:18-19). The greater the  
18 number of possible combination options, the more capacity is required for  
19 signaling. (*Id.* at col. 2:19-21).

25 \_\_\_\_\_  
26 <sup>1</sup> TCF is the Transport Format Combination which indicates a possible  
27 combination of the transport formats for the various services which are mapped  
28 onto a common physical channel. (*Id.* at col. 2:1-4).

<sup>2</sup> TCFO is Transport Format Combination Identifier which indicates the currently  
used combination of the transport formats within the TFCs. (*Id.* at col. 2:9-11).

1           37. Recognizing this problem, the inventors developed a method and  
2 communication system that reduces the required signaling capacity without  
3 limiting the number of combination options and the selection thereof. (*Id.* at col.  
4 2:25-28). The invention draws a distinction between services with high and low  
5 data rate dynamics and uses a matched type of signaling for the transport format  
6 currently being used. (*Id.* at col. 2:33-35). No joint signaling for all services takes  
7 place, but instead signaling can be individualized. (*Id.* at col. 2:41-45). For  
8 services with high data rate dynamics, in-band signaling of the transport format is  
9 carried out, and for services with low data rate dynamics, the transport format is  
10 signaled in a separate channel. (*Id.* at col. 2:45-48). In-band signaling supports the  
11 high dynamics of the data rate change in many services by signaling newly chosen  
12 transport formats at an appropriate speed, whereas somewhat slower signaling  
13 accompanying the connection is chosen for services with data rates which change  
14 only slowly or to a limited extent. (*Id.* at col. 2:48-54).

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20           38. On the basis of stipulating a combination of the currently used  
21 transport formats for the services and the signaling thereof, the data for the services  
22 are transmitted via the currently available common physical channels on the basis  
23 of the combination of the transport formats and, at the reception end, are evaluated  
24 on the basis of the signaled combination of the transport formats. (*Id.* at col. 2:55-  
25 61). With the same number of combination options, less capacity is required for  
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1 in-band signaling, since only a portion of the services need to be served constantly.  
2 (*Id.* at col. 2:62-64).

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4 39. The prosecution history of the '705 patent further explains the  
5 unconventional features of the claimed invention. The prior art did not disclose  
6 transmitting data for first and second services in a first channel, signaling one or  
7 more first transport formats for the first services in-band in the first channel, and  
8 signaling a second transport format for the second service in a second, separate  
9 channel. (Ex. D at 9-10). One reference only disclosed transmitting at different  
10 data rates for a single service without disclosing transmission of first and second  
11 services having different data rate dynamics. (*Id.* at 10). Another prior art  
12 reference only disclosed transmitting data over a channel that is separate from the  
13 signaling information. (*Id.*). However, in the claimed invention, a combination of  
14 data for first and second services is transmitted over one channel, signaling  
15 information for the first services (having a high data rate dynamics) is also  
16 transmitted over the first channel, and signaling information for the second service  
17 (having lower data rate dynamics) is transmitted in a second, separate channel. (*Id.*  
18 at 11). The claimed method was therefore not the conventional operation disclosed  
19 in the prior art. The claims were then allowed.

20  
21 40. **Direct Infringement.** Upon information and belief, Defendant has  
22 been directly infringing at least claim 1 of the '705 patent in California, this  
23 District, and elsewhere in the United States, by performing actions comprising  
24



1 using or performing the claimed method by using the ROKiT iO Pro 3D, iO 3D, iO  
2 Light, and One. (“Accused Instrumentality”).

3  
4 41. Upon information and belief, the Accused Instrumentality performs  
5 the step of specifying one or more first transport formats for first services and a  
6 second transport format for a second service, the first services having higher data  
7 rate dynamics than the second service. For example, the Accused Instrumentalities  
8 implements Bluetooth 4.0 (or later version). (*E.g.*, <https://rokgroup.com/iopro3d>;  
9 [https://rokitphones.com/local/rokitphones.com/docs/products/specs/rokit-io-pro-](https://rokitphones.com/local/rokitphones.com/docs/products/specs/rokit-io-pro-3d.pdf)  
10 [3d.pdf](https://rokitphones.com/local/rokitphones.com/docs/products/specs/rokit-io-pro-3d.pdf);  
11 <https://rokitphones.com/us/phones/io3d/>;  
12 <https://rokitphones.com/us/phones/iolight/>;  
13 <https://rokitphones.com/us/phones/one/>). Bluetooth 4.0 (or later version) specifies  
14 one or more first transport formats (*e.g.*, air bit rate, modulation schemes, etc.) for  
15 first services (*e.g.*, Basic Rate/Enhanced Data Rate (“BR/EDR”) services like  
16 audio streaming to wireless speakers and/or headphones) and a second transport  
17 format (*e.g.*, symbol rate, modulation format etc.) for a second service (*e.g.*, Low  
18 Energy (“LE”) services like sensors working on LE), the BR/EDR service having  
19 higher data rate dynamics than the LE service. (*E.g.*,  
20 [https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc\\_id=456433](https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc_id=456433)).

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25 42. Upon information and belief, the Accused Instrumentality performs  
26 the step of transmitting a combination of data for the first services and data for the  
27 second service over a first channel based on the first and second transport formats.  
28

1 For example, using Bluetooth 4.0 (or later version) transmits a combination of data  
2 for the first services (*e.g.*, BR/EDR audio streaming data) and data for the second  
3 service (*e.g.*, Low Energy services like sensors transmitting on LE) over a first  
4 channel based on the first and second transport formats. (*E.g.*,  
5 [https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc\\_id=456433](https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc_id=456433)).  
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7  
8 43. Upon information and belief, the Accused Instrumentality performs  
9 the step of signaling, in-band in the first channel, the one or more first transport  
10 formats for the first services. For example, using Bluetooth 4.0 (or later version)  
11 sets up channels where the signaling of a transport format, like error connection  
12 codes or QoS (Quality of Service) parameters, is shared on the same channel as  
13 data communication. (*E.g.*,  
14 [https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc\\_id=456433](https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc_id=456433)).  
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17 44. Upon information and belief, the Accused Instrumentality performs  
18 the step of signaling, in a second channel, the second transport format for the  
19 second service, the first channel and the second channel comprising separate  
20 channels. For example, using Bluetooth 4.0 (or later version), LE mode is  
21 restricted to a communication format where the signaling information is  
22 established on a separate channel (*e.g.*, additional links), and not on the data  
23 communication channel. Furthermore, physical links between the connected  
24 devices are used to transport the logical links. Upon information and belief, the  
25 additional links created for signaling in a LE service, signals the information  
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1 regarding the second service having lower rate dynamics (*e.g.*, an LE service) on a  
2 separate channel which is different from the first link/channel (*e.g.*, the channel  
3 over which the data communication is taking place and which carries the signaling  
4 information regarding BR/EDR services). (*E.g.*,  
5 [https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc\\_id=456433](https://www.bluetooth.org/docman/handlers/downloaddoc.ashx?doc_id=456433)).  
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8 45. Plaintiff has been damaged as a result of Defendant's infringing  
9 conduct. Defendant is thus liable to Plaintiff for damages in an amount that  
10 adequately compensates Plaintiff for such Defendant's infringement of the '705  
11 patent, *i.e.*, in an amount that by law cannot be less than would constitute a  
12 reasonable royalty for the use of the patented technology, together with interest and  
13 costs as fixed by this Court under 35 U.S.C. § 284.  
14  
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16 46. On information and belief, Defendant will continue its infringement of  
17 one or more claims of the '705 patent unless enjoined by the Court. Each and all  
18 of the Defendant's infringing conduct thus causes Plaintiff irreparable harm and  
19 will continue to cause such harm without the issuance of an injunction.  
20

21 47. On information and belief, Defendant has had at least constructive  
22 notice of the '705 patent by operation of law and marking requirements have been  
23 complied with.  
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#### 25 **IV. JURY DEMAND**

26 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a  
27 trial by jury of any issues so triable by right.  
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**V. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 6,651,207 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that one or more claims of United States Patent No. 7,106,705 have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- c. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein;
- d. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- e. That Defendant be permanently enjoined from any further activity or conduct that infringes one or more claims of United States Patent No. 7,106,705; and
- f. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

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August 30, 2019

OF COUNSEL:

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