

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APERTURE NET LLC,)	
)	
<i>Plaintiff,</i>)	
)	C.A. No. _____
v.)	
)	
HONEYWELL INTERNATIONAL INC.,)	DEMAND FOR JURY TRIAL
)	
<i>Defendant.</i>)	
)	
)	



Figure 1 – Honeywell’s Dolphin CN80 product

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1. Aperture Net LLC (“Aperture” or “Plaintiff”), by and through its counsel, hereby brings this action for patent infringement against Honeywell International Inc. (“Honeywell” or “Defendant”) alleging infringement of the following validly issued patent (the “Patent-in-Suit”): U.S. Patent No. 6,711,204, titled “Channel Sounding for a Spread-Spectrum Signal” (the ’204 Patent), attached hereto as Exhibit A.

NATURE OF THE ACTION

2. This is an action for patent infringement arising under the United States Patent Act 35 U.S.C. §§ 1 et seq., including 35 U.S.C. § 271.

PARTIES

3. Plaintiff Aperture Net LLC is a company established in Texas with its principal place of business at 6205 Coit Rd., Ste 300 – 1016, Plano, TX 75024-5474.

4. On information and belief, Defendant Honeywell International Inc. is a company incorporated in Delaware and may be served by its registered agent Corporation Service Company at 251 Little Falls Dr., Wilmington, Delaware, 19808.

JURISDICTION AND VENUE

5. This lawsuit is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 101 et seq. The Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332, 1338(a), and 1367.

6. The Court has personal jurisdiction over Defendant for the following reasons: (1) Defendant is present within or has minimum contacts within the State of Delaware and the District of Delaware; (2) Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware and in this district; (3) Defendant has sought

protection and benefit from the laws of the State of Delaware; (4) Defendant regularly conducts business within the State of Delaware and within this district, and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Delaware and in this district; and (5) Defendant has a regular and established business in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

7. Defendant, directly and/or through intermediaries, ships, distributes, uses, offers for sale, sells, and/or advertises products and services in the United States, the State of Delaware, and the District of Delaware including but not limited to the products which contain the infringing '204 Patent systems and methods as detailed below. Upon information and belief, Defendant has committed patent infringement in the State of Delaware and in this district; Defendant solicits and has solicited customers in the State of Delaware and in this district; Defendant has paying customers who are residents of the State of Delaware and this district and who each use and have used the Defendant's products and services in the State of Delaware and in this district.

8. Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1400(b). Defendant has a regular and established place of business in this district, has transacted business in this district, and has directly and/or indirectly committed acts of patent infringement in this district.

PATENT-IN-SUIT

9. The Patent-in-Suit teaches systems and methods for improving a spread-spectrum code-division-multiple-access ("CDMA") system, using a channel sounding signal from a base station to provide initial transmitter power levels for remote stations.

10. The invention disclosed in the Patent-in-Suit discloses inventive concepts that

represent significant improvements in the art and are not mere routine or conventional uses of computer components. For instance, at the time of filing, CDMA systems suffered from poor power control. *See* Ex. A, '204 Patent, 1:21–2:5. Although various approaches existed to address power control issues, those approaches suffered from inconsistency, inefficiency, and excessive delays. *See* Ex. A, '204 Patent, 1:21–2:5. The patent-in-suit addressed these concerns by “permit[ting] a remote power station to have knowledge, a priori to transmitting, of a proper power level to initiate transmission.” *See* Ex. A, '204 Patent, 2:7-10. Further, the patent-in-suit teaches “to measure and initially correct or compensate for Doppler shift in carrier frequency caused by the motion of the remote station.” *See* Ex. A, '204 Patent, 2:11-13.

ACCUSED PRODUCTS

11. Defendant makes, uses, offers for sale and sells in the U.S. products, systems, and/or services that infringe the Patent-in-Suit, including, but not limited to its Honeywell CN51, CN80G, CN75, CN75e, Dolphin 99EX, Dolphin 99GX, Dolphin CN80, Dolphin CT40, Dolphin CT50, Dolphin CT60, and ScanPal EDA51 products (the “Accused Products”).

COUNT I **(Infringement of U.S. Patent No. 6,711,204)**

12. Plaintiff incorporates by reference the allegations of paragraphs 1-11, the same as if set forth herein.

13. The '204 Patent is valid, enforceable, and was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) on March 23, 2004. The '204 Patent is presumed valid and enforceable. *See* 35 U.S.C. § 282.

14. Plaintiff is the owner by assignment of the '204 patent and possesses all rights of recovery under the '204 patent, including the exclusive right enforce the '204 patent and pursue

lawsuits against infringers.

15. Without a license or permission from Plaintiff, Defendant has infringed and continues to infringe on one or more claims of the '204 Patent—directly, contributorily, and/or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the patented '204 systems and methods, in violation of 35 U.S.C. § 271.

Direct Infringement

16. Defendant has been and now is directly infringing by, among other things, practicing all of the steps of the '204 Patent, for example, through internal testing, quality assurance, research and development, and troubleshooting. *See Joy Techs., Inc. v. Flakt, Inc.*, 6 F.3d 770, 775 (Fed. Cir. 1993); *see also* 35 U.S.C. § 271 (2006). For instance, Defendant has directly infringed the Patent-in-Suit by testing, configuring, and troubleshooting the functionality of its location technology.

17. By way of example, Defendant has infringed and continues to infringe at least one or more claims of the '204 Patent, including at least Claim 1. Attached hereto as Exhibit B is an exemplary claim chart detailing representative infringement of claim 1 of the Patent-in-Suit.

Contributory Infringement

18. On information and belief, Defendant contributorily infringes on Plaintiff's '204 Patent. Defendant knew or should have known, at the very least as a result of its freedom to operate analyses and the filing of this complaint, that third parties, such as its customers, would infringe the '204 Patent.

19. On information and belief, Defendant's implementation of the accused functionality has no substantial non-infringing uses. *See, e.g., Lucent Techs., Inc. v. Gateway,*

Inc., 580 F.3d 1301, 1321 (Fed. Cir. 2009) (holding that the “substantial non-infringing use” element of a contributory infringement claim applies to an infringing feature or component, and that an “infringing feature” of a product does not escape liability simply because the product as a whole has other non-infringing uses).

Willful Infringement

20. On information and belief, the infringement of the '204 Patent by Defendant has been and continues to be willful. Defendant has had actual knowledge of Plaintiff's rights in the '204 Patent and details of Defendant's infringement based on at least the filing and service of this complaint. Additionally, Defendant had knowledge of the '204 Patent and its infringement in the course of Defendant's due diligence and freedom to operate analyses.

Plaintiff Suffered Damages

21. Defendant's acts of infringement of the '204 Patent have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages sustained as a result of Defendant's wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271. Defendant's infringement of Plaintiff's exclusive rights under the '204 Patent will continue to damage Plaintiff causing it irreparable harm for which there is no adequate remedy at law, warranting an injunction from the Court.

REQUEST FOR RELIEF

22. Plaintiff incorporates each of the allegations in the paragraphs above and respectfully asks the Court to:

- (a) enter a judgment that Defendant has directly infringed, contributorily infringed, and/or induced infringement of one or more claims of each of the '204 Patent;
- (b) enter a judgment awarding Plaintiff all damages adequate to compensate it for

Defendant's infringement of, direct or contributory, or inducement to infringe, the including all pre-judgment and post-judgment interest at the maximum rate permitted by law;

(c) enter a judgment awarding treble damages pursuant to 35 U.S.C. § 284 for Defendant's willful infringement of the '204 Patent;

(d) issue a preliminary injunction and thereafter a permanent injunction enjoining and restraining Defendant, its directors, officers, agents, servants, employees, and those acting in privity or in concert with it, and its subsidiaries, divisions, successors, and assigns, from further acts of infringement, contributory infringement, or inducement of infringement of the '204 Patent;

(e) enter a judgment requiring Defendant to pay the costs of this action, including all disbursements, and attorneys' fees as provided by 35 U.S.C. § 285, together with prejudgment interest; and

(f) award Plaintiff all other relief that the Court may deem just and proper.

Dated: October 29, 2019

Respectfully submitted,

/s/Stamatios Stamoulis

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