



**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 Motorola Inc. and Motorola Mobility LLC (collectively, the “Defendants”) 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 Motorola Inc. is a company incorporated in Delaware and may be served by its registered agent Harvard Business Services, Inc. at 16192 Coastal Hwy., Lewes, Delaware 19958.

5. On information and belief, Defendant Motorola Mobility Company LLC is a company established in Delaware and may be served by its registered agent The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., New Castle, Delaware 19801.

**JURISDICTION AND VENUE**

6. 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.

7. The Court has personal jurisdiction over Defendants for the following reasons: (1)

Defendants are present within or have minimum contacts within the State of Delaware and the District of Delaware; (2) Defendants have purposefully availed themselves of the privileges of conducting business in the State of Delaware and in this district; (3) Defendants have sought protection and benefit from the laws of the State of Delaware; (4) Defendants regularly conduct business within the State of Delaware and within this district, and Plaintiff's cause of action arises directly from Defendants' business contacts and other activities in the State of Delaware and in this district; and (5) Defendants have 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.

8. Defendants, directly and/or through intermediaries, ship, distribute, use, offer for sale, sell, and/or advertise 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, Defendants have committed patent infringement in the State of Delaware and in this district; Defendants solicit and have solicited customers in the State of Delaware and in this district; and Defendants have paying customers who are residents of the State of Delaware and this district and who each use and have used the Defendants' products and services in the State of Delaware and in this district.

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

PATENT-IN-SUIT

10. 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.

11. 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**

12. Defendants make, use, offer for sale and sell in the U.S. products, systems, and/or services that infringe the Patent-in-Suit, including, but not limited to its Moto G4 Play, Moto G4, Moto G4 Plus, Moto G3, Moto G2, Moto G5S Plus, Moto G5 Plus, Moto G6, Moto G6 Play, Moto G6 Forge, Moto G7, Moto G7 Play, Moto E4 Plus, Moto E4, Moto E5 Plus, Moto E5, Moto E5 Play, Moto E6, Motorola One, Motorola One Action, Motorola One Zoom, Moto X4, Moto X Pure, Moto X2, Moto Z4, Moto Z Droid, Moto Z Play, Moto Z Force Droid, Moto Z2 Play, Moto Z2 Force, Moto Z3, Moto Z3 Play, Droid Razr M, Droid Maxx, Droid Maxx 2, Droid Mini, Droid Turbo 2, Droid Turbo, and Droid Ultra product (the “Accused Products”).

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

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

14. 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.

15. 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.

16. Without a license or permission from Plaintiff, Defendants have infringed and continue 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**

17. Defendants have been and now are 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, Defendants have directly infringed the Patent-in-Suit by testing, configuring, and troubleshooting the functionality of their location technology.

18. By way of example, Defendants have infringed and continue 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**

19. On information and belief, Defendants contributorily infringe on Plaintiff's '204 Patent. Defendants 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 their customers, would infringe the '204 Patent.

20. On information and belief, Defendants' 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**

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

**Plaintiff Suffered Damages**

22. Defendants' acts of infringement of the '204 Patent have caused damage to Plaintiff, and Plaintiff is entitled to recover from Defendants the damages sustained as a result of Defendants' wrongful acts in an amount subject to proof at trial pursuant to 35 U.S.C. § 271.

Defendants' 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**

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

- (a) enter a judgment that Defendants have 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 Defendants' 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 Defendants' willful infringement of the '204 Patent;
- (d) issue a preliminary injunction and thereafter a permanent injunction enjoining and restraining Defendants, their directors, officers, agents, servants, employees, and those acting in privity or in concert with them, and their 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 Defendants 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.

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Respectfully submitted,

*/s/Stamatios Stamoulis*

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