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9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 DUAL SIM TECHNOLOGIES LLC,

14 Plaintiff,

15 v.

16 ASUSTEK COMPUTER INC. and ASUS
COMPUTER INTERNATIONAL, INC.,

17 Defendants.

Civil Action No. 3:20-cv-814

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

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1 Plaintiff Dual Sim Technologies LLC (“Dual Sim” or “Plaintiff”), for its Complaint
2 against Defendants Asustek Computer Inc. and Asus Computer International, Inc. (collectively
3 “Defendants”), alleges the following:

4 **NATURE OF THE ACTION**

5 1. This is an action for patent infringement arising under the Patent Laws of the
6 United States, 35 U.S.C. § 1 *et seq.*

7 **THE PARTIES**

8 2. Plaintiff is a limited liability company organized under the laws of the State of
9 Delaware with a place of business at 1526 Gilpin Ave., Wilmington, DE 19806.

10 3. Upon information and belief, Asustek Computer Inc. is a company organized
11 under the laws of Taiwan having a place of business at No. 15 Li-De Rd., Beitou District, Taipei
12 City 112, Taiwan.

13 4. Upon information and belief, Asus Computer International, Inc. is a corporation
14 organized under the laws of the State of California with a place of business at 48720 Kato Road,
15 Fremont, California 94538.

16 5. Asus Computer International, Inc. maintains a registered agent for service of
17 process in California at CT Corporation System, 818 West Seventh Street, Suite 930,
18 Los Angeles, California 90017.

19 6. Upon information and belief, Defendants sell, offer to sell, and/or use products
20 and services throughout the United States, including in this judicial district, and introduce
21 infringing products and services into the stream of commerce knowing that they would be sold
22 and/or used in this judicial district and elsewhere in the United States.

23 **JURISDICTION AND VENUE**

24 7. This is an action for patent infringement arising under the Patent Laws of the
25 United States, Title 35 of the United States Code.

26 8. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

1 9. On information and belief, Defendants are subject to this Court’s general and
2 specific personal jurisdiction because Defendants have sufficient minimum contacts within the
3 State of California and this District, pursuant to due process and/or the Cal. Code Civ. Proc.
4 § 410.10, because Defendants purposefully availed themselves of the privileges of conducting
5 business in the State of California and in this District, because Defendants regularly conduct and
6 solicit business within the State of California and within this District, and because Plaintiff’s
7 causes of action arise directly from each of Defendants’ business contacts and other activities in
8 the State of California and this District. Further, this Court has personal jurisdiction over
9 Defendants Computer International, Inc. because it is incorporated in California and has
10 purposely availed themselves of the privileges and benefits of the laws of the State of Delaware,
11 and, on information and belief, Asustek Computer Inc. conducts business in this District at least
12 through Asus Computer International, Inc.

13 10. Venue is proper in this judicial district under 28 U.S.C. § 1400(b). On
14 information and belief, Defendant Asus Computer International, Inc. is a legal entity formed
15 under the laws of the State of California. Defendant Asustek Computer Inc. operates within this
16 judicial district through its control over Asus Computer International, Inc.

17 **BACKGROUND**

18 **The Invention**

19 11. Giorgio Liverotti is the inventor of U.S. Patent No. 6,799,057 (“the ’057 Patent”).
20 A true and correct copy of the ’057 Patent is attached as Exhibit A.

21 12. The ’057 Patent resulted from the pioneering efforts of Mr. Liverotti (hereinafter
22 “the Inventor”) in the area of GSM cellular technology. These efforts resulted in the
23 development of a method and apparatus for a GSM cellular terminal capable of hosting multiple
24 SIM cards simultaneously in the late 1990s. At the time of these pioneering efforts, the most
25 widely implemented technology available for GSM cellular terminals only permitted a user to
26 use one SIM card at a time, even when the terminal could receive multiple SIM cards. In that
27 type of system, a user could not use multiple SIM cards at the same time. The Inventor

1 conceived of the inventions claimed in the '057 Patent as a way to use multiple SIM cards
2 simultaneously on a single GSM terminal.

3 **Advantages Over the Prior Art**

4 13. The patented invention disclosed in the '057 Patent, provides many advantages
5 over the prior art, and in particular improved the operations of GSM cellular technology. *See*
6 '057 Patent at 3:9-15. One advantage of the patented invention is that it permits independent
7 management of two or more SIM cards on one device. The patented invention allows a user to
8 make or receive calls from both or more SIM cards simultaneously.

9 14. Another advantage of the patented invention is that its multiple SIM cards can be
10 associated with different providers, allowing a user to choose between different price plans and
11 specific services. *See* '057 Patent at 3:16-26.

12 15. Another advantage of the patented invention is that, when used with SIM cards
13 from different service providers, it will possess a greater geographic range. *See* '057 Patent at
14 3:26-28.

15 16. Another advantage of the patented invention is that, thanks to its second
16 transceiver device, it permits a user to use the same terminal in countries that employ different
17 GSM transmission standards. *See* '057 Patent at 3:28-30.

18 17. Because of these significant advantages that can be achieved through the use of
19 the patented invention, Dual Sim believes that the '057 Patent presents significant commercial
20 value for companies like Defendants Asustek Computer Inc. and Asus Computer International,
21 Inc.. Indeed, Defendants have produced and sold the Zenfone 2, which incorporates the patented
22 technology, as set forth in paragraphs 24 through 39 below.

23 **Technological Innovation**

24 18. The patented invention disclosed in the '057 Patent resolves technical problems
25 related to GSM cellular technology, particularly problems related to the utilization of multiple
26 SIM cards within a single terminal. As the '057 Patent explains, one of the limitations of the
27 prior art as regards GSM cellular technology was that while some terminals could receive

1 multiple SIM cards, the multiple SIM cards could not be used at the same time. *See* '057 Patent
2 at 3:24-27.

3 19. The claims of the '057 Patent do not merely recite the performance of some well-
4 known business practice from the pre-Internet world along with the requirement to perform it on
5 the Internet. Instead, the claims of the '057 Patent recite inventive concepts that are deeply
6 rooted in engineering technology, and overcome problems specifically arising out of how to use
7 two or more SIM cards simultaneously within a single GSM terminal.

8 20. In addition, the claims of the '057 Patent recite inventive concepts that improve
9 the functioning of GSM cellular terminals, particularly by allowing for simultaneous use of
10 multiple SIM cards.

11 21. Moreover, the claims of the '057 Patent recite inventive concepts that are not
12 merely routine or conventional use of GSM cellular technology. Instead, the patented invention
13 disclosed in the '057 Patent provides a new and novel solution to specific problems related to
14 improving the geographic range, functionality, and user-friendliness of GSM cellular terminals.

15 22. And finally, the patented invention disclosed in the '057 Patent does not preempt
16 all the ways that SIM cards may be used to improve cellular technology, nor does the '057 Patent
17 preempt any other well-known or prior art technology.

18 23. Accordingly, the claims in the '057 Patent recite a combination of elements
19 sufficient to ensure that the claim in substance and in practice amounts to significantly more than
20 a patent-ineligible abstract idea.

21 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,799,057**

22 24. The allegations set forth in the foregoing paragraphs 1 through 23 are
23 incorporated into this First Claim for Relief.

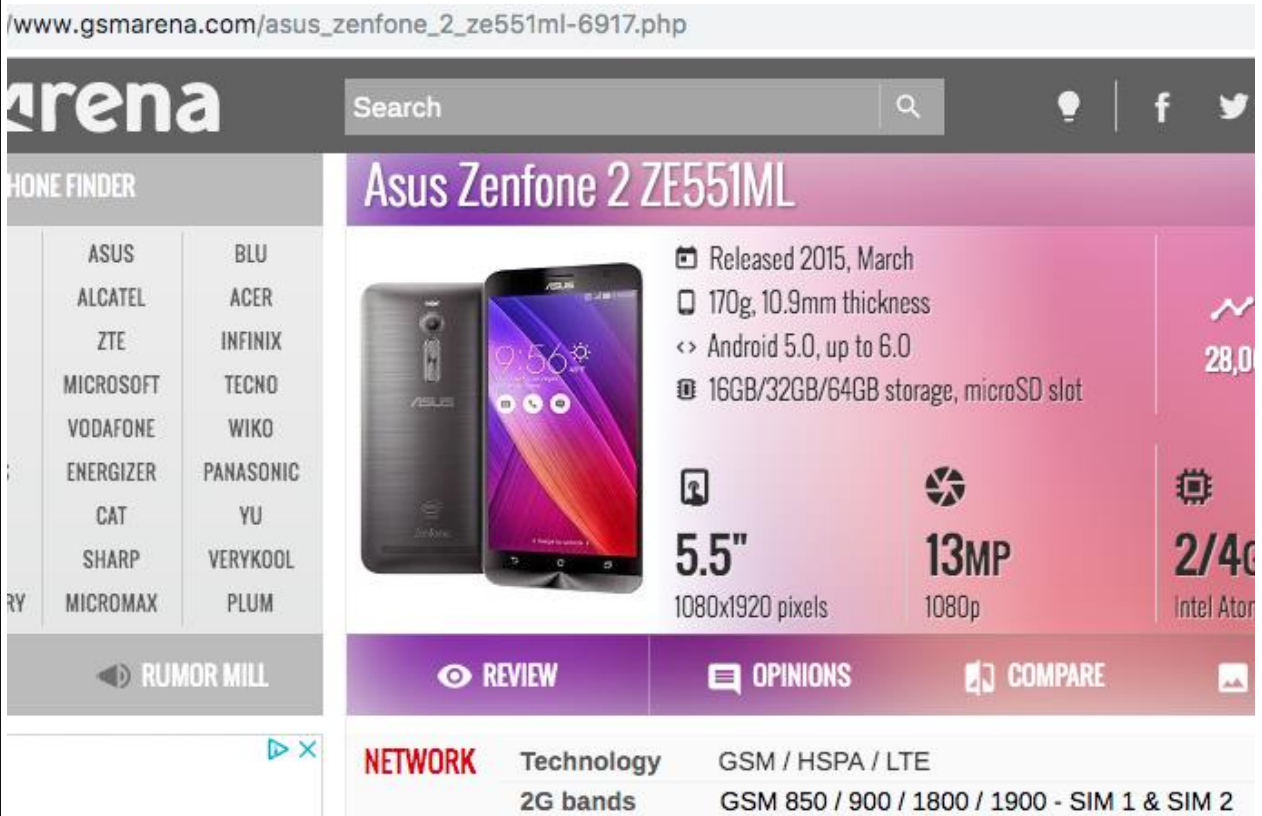
24 25. On September 28, 2004, the '057 Patent, titled "GSM Cellular Terminal," was
25 duly and legally issued by the United States Patent and Trademark Office from a PCT
26 application filed on January 10, 2001 and further claims priority to a foreign patent application
27 filed on February 16, 1990.

1 26. Plaintiff is the assignee and owner of the right, title and interest in and to the '057
2 Patent, including the right to assert all causes of action arising under said patent and the right to
3 any remedies for infringement of it.

4 27. Upon information and belief, each Defendant has infringed and continues to
5 directly infringe one or more claims of the '057 Patent by selling, offering to sell, making, using,
6 and/or providing and causing to be used certain products, specifically one or more cellular
7 phones, which by way of example include the Asus Zenfone 2 (the "Accused Instrumentality"), a
8 description of which can be found at the following URL:

9 https://www.Asus.com/us/Phone/ZenFone_2_ZE551ML/.

10 28. Upon information and belief, the Accused Instrumentality is a GSM cellular
11 terminal. Specifically, the Accused Instrumentality is described in a trade publication as
12 compatible with GSM 850/900/1800/1900 technology.

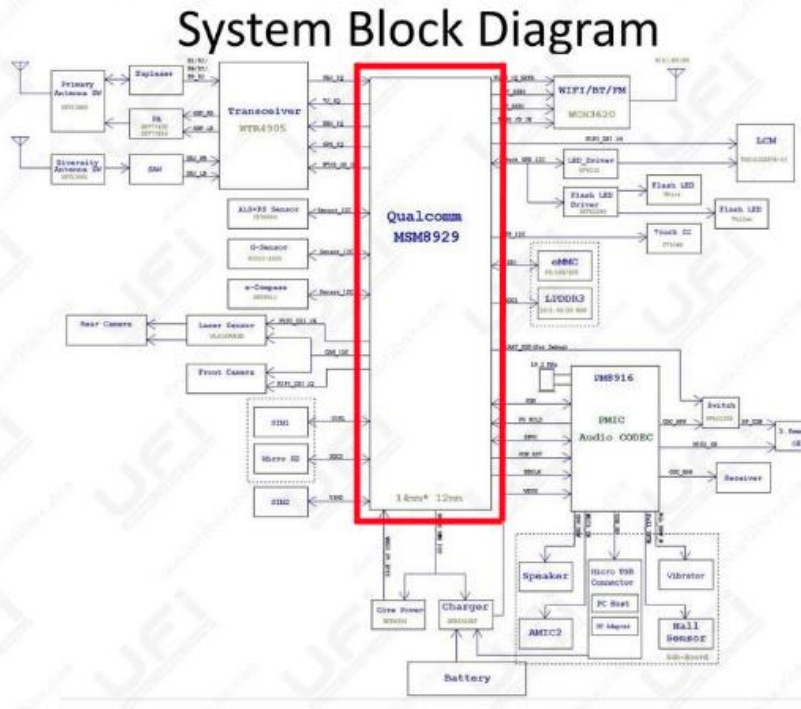


26 29. Upon information and belief, the Accused Instrumentality comprises means for
27 controlling the device. Specifically, the Accused Instrumentality is equipped with a Qualcomm

MSM8929 microprocessor, a microprocessor that integrates the control functions of the phone on a single chip.

laptopserviz.bg/enview/asus-zenfone2-laser-ze500kl-schematic.html

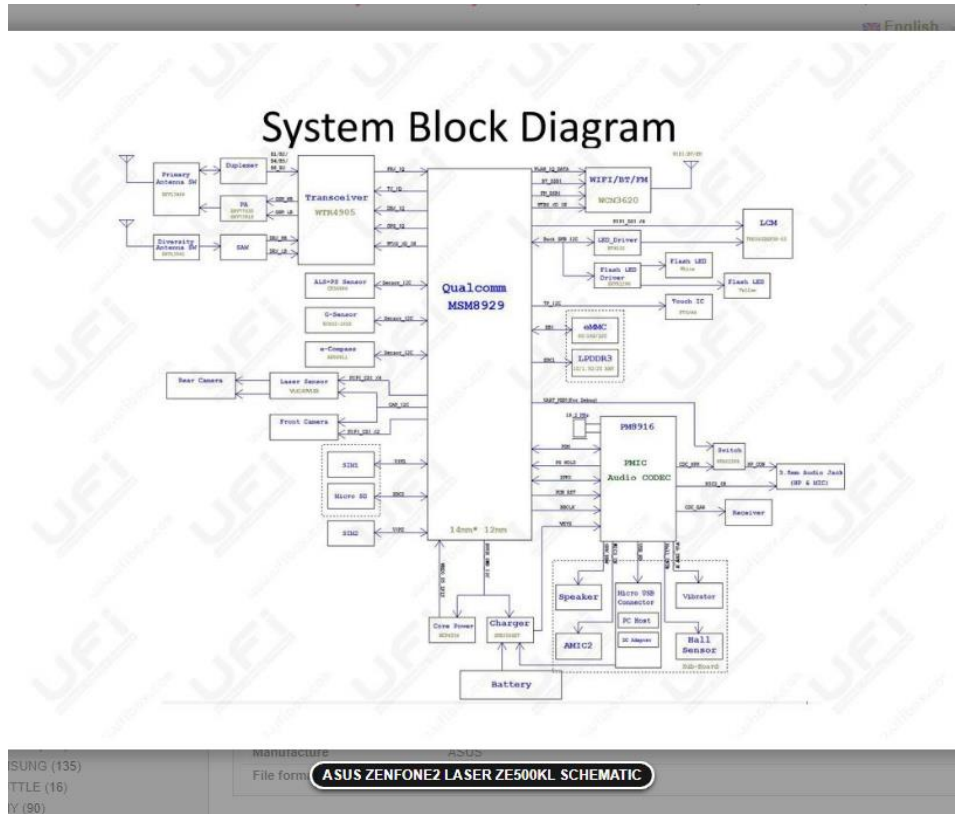
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ASUS ZENFONE2 LASER ZE500KL SCHEMATIC

30. Upon information and belief, the Accused Instrumentality comprises signal processing means. Specifically, the Accused Instrumentality contains a transceiver and a duplexer.

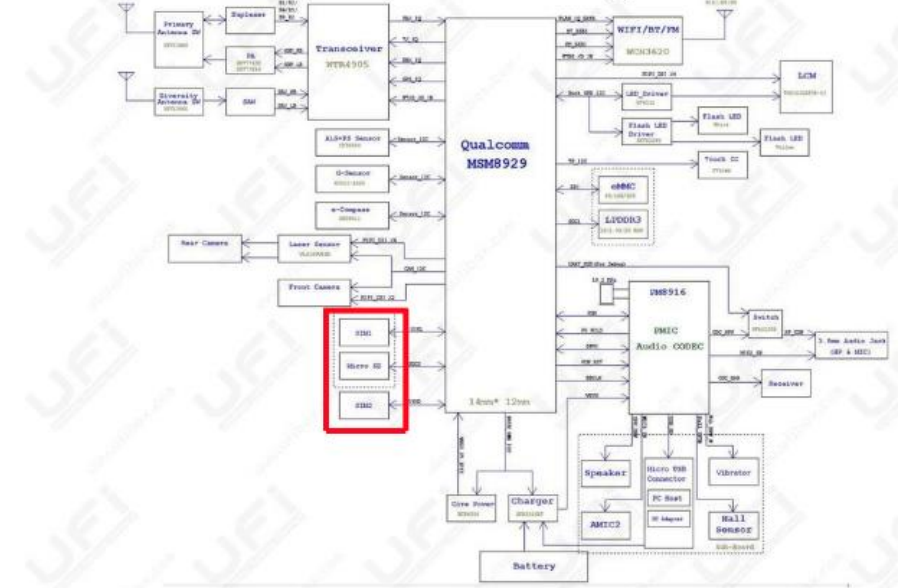
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31. Upon information and belief, the Accused Instrumentality comprises a plurality of SIM card readers.

laptopserviz.bg/enview/asus-zenfone2-laser-ze500kl-schematic.html
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System Block Diagram



ASUS ZENFONE2 LASER ZE500KL SCHEMATIC

32. Upon information and belief, SIM cards may be inserted in the SIM card readers in the Accused Instrumentality to allow connection to corresponding service networks.

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✕ <https://www.androidcentral.com/asus-zenfone-2-has-two-sim-card-slots-heres-how-use-them>

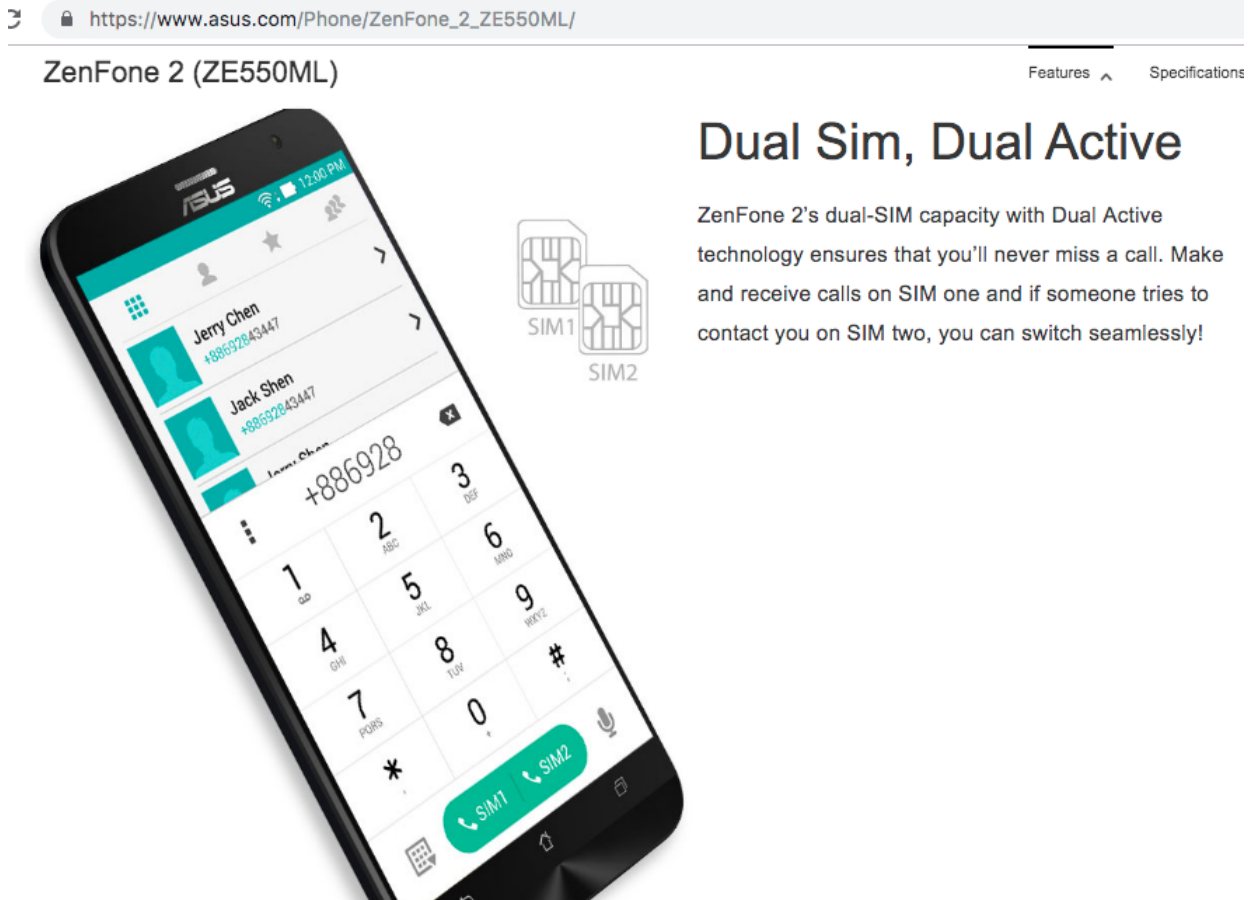
androidcentral



33. Upon information and belief, given the presence of two sim cards and the simultaneous operation of those cards (as set forth below), the Accused Instrumentality comprises at least two separate signal processing means. Upon information and belief, the Zenfone’s Qualcomm microprocessor permits the transmission of multiple signals simultaneously through a single signal processing means.

34. Upon information and belief, the said two separate signal processing means or their equivalent(s) are capable of simultaneously maintaining connections to their respective SIM cards to a corresponding service network. Specifically, Defendants have advertised the Accused Instrumentality as having “Dual Sim capacity with Dual Active technology” that “ensures that you’ll never miss a call.” According to Defendants’ promotional materials, the Accused

1 Instrumentality allows a user to “[m]ake and receive calls on SIM one and if someone tries to
2 contact [user] on SIM two, [user] can switch seamlessly!”

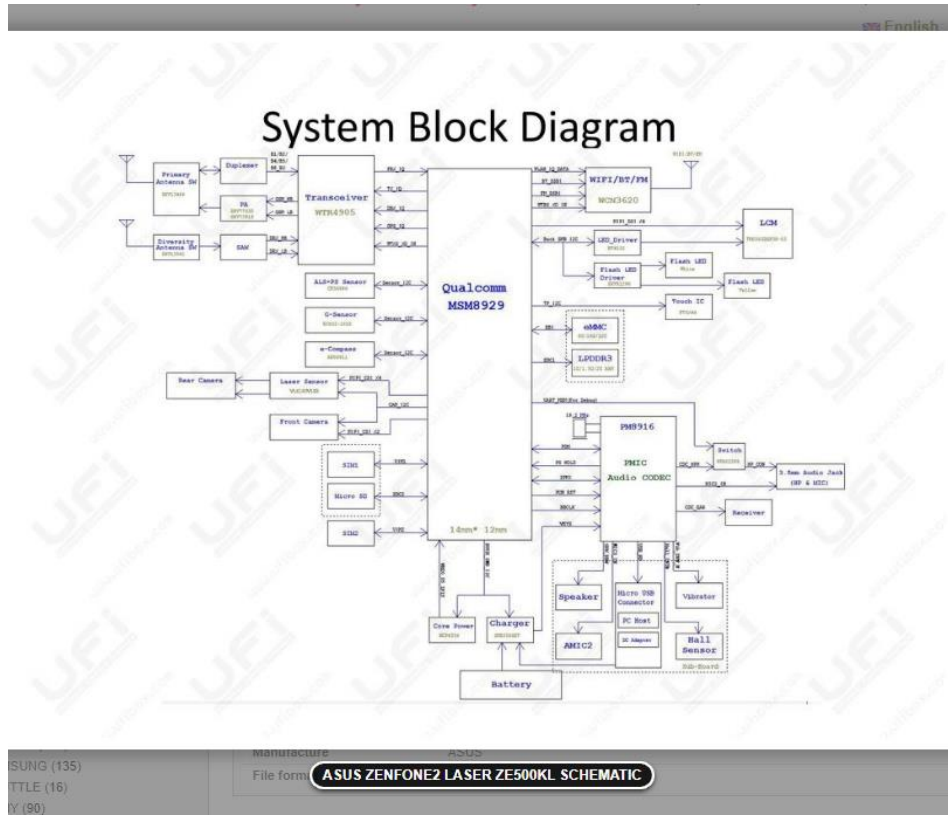


19 35. The Accused Instrumentality infringed claim 1 of the '057 Patent during the
20 pendency of the '057 Patent. *See, e.g.*, [http://www.gsmarena.com/Asus_zenfone_2_ze551ml-](http://www.gsmarena.com/Asus_zenfone_2_ze551ml-6917.php)
21 [6917.php](http://www.laptopserviz.bg/enview/Asus-zenfone2-laser-ze500kl-schematic.html); <http://www.laptopserviz.bg/enview/Asus-zenfone2-laser-ze500kl-schematic.html>;
22 <http://www.ifixit.com/Guide/Asus+ZenFone+2+Antenna+Replacement/56839>;
23 <http://www.androidcentral.com/Asus-zenfone-2-has-two-sim-card-slots-heres-how-use-them>;
24 http://www.Asus.com/Phone/ZenFone_2_ZE550ML; [https://www.digitalcitizen.life/simple-](https://www.digitalcitizen.life/simple-questions-what-dual-sim-and-how-does-it-work/)
25 [questions-what-dual-sim-and-how-does-it-work/](https://www.digitalcitizen.life/simple-questions-what-dual-sim-and-how-does-it-work/).

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1 36. Upon information and belief, the Accused Instrumentality is a cellular terminal
 2 containing both signal reception and transmission means.



37. The Accused Instrumentality infringed claim 2 of the '057 Patent during the pendency of the '057 Patent.

38. Upon information and belief, the Accused Instrumentality contains memory means associated with a management program of the plurality of SIM card readers and their corresponding reception and transmission means.

<https://www.androidcentral.com/asus-zenfone-2-has-two-sim-card-slots-heres-how-use-them>

androidcentral

Using the software dialer and messaging app that comes with the ZenFone 2, this is super simple. It might not work as well (or at all) with third party dialers and messaging apps from Google Play, so you might not be able to use your favorite apps. The ASUS apps work well, though, and it's not a terrible experience.

Receiving calls and messages requires you to do nothing. They come in, as normal, using whatever number the person calling or texting you used to call or text you. This makes your incoming call log a little messy, but there are filtering options (tap the little SIM card icon at the top of the list) to see which SIM the calls came in on. When you receive a message, the chat bubble will have an indicator of which SIM card received it, so you know which number to use when you respond.



Making calls and sending texts is almost as easy. To make a call, bring up the dialer, enter the number you want to call or use the address book to pick a name, then press the button on the bottom for SIM one or SIM two.

To send a text, enter who you want to send it to, type out what you want to say, then choose which SIM to use to send it from the icons in the text entry field.

39. The Accused Instrumentality infringed claim 3 of the '057 Patent during the pendency of the '057 Patent.

40. Dual Sim has been harmed by Defendants' infringing activities.

41. Dual Sim has not manufactured a device based on the '057 Patent or licensed the patent to any other party, nor is it aware of any manufacture of a device based on the '057 Patent or licensing by any prior owner of the '057 Patent. Accordingly, Dual Sim is in compliance with 35 U.S.C. § 287(a).

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure Plaintiff Dual Sim demands a trial by jury on all issues triable as such.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff Dual Sim demands judgment for itself and against Defendants as follows:

- A. An adjudication that Defendants have infringed the '057 Patent;
- B. An award of damages to be paid by Defendants adequate to compensate Dual Sim for Defendants' infringement of the '057 Patent, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Dual Sim's reasonable attorneys' fees; and
- D. An award to Dual Sim of such further relief at law or in equity as the Court deems just and proper.

Dated: February 4, 2020

DEVLIN LAW FIRM LLC

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