UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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WINET LABS LLC,

     Plaintiff,

        v.

                                         JURY TRIAL DEMANDED

MOTOROLA MOBILITY LLC,

     Defendant.

--x

COMPLAINT

     WiNet Labs LLC (hereinafter, "WiNet Labs") brings this patent-infringement action against Motorola Mobility LLC (hereinafter, "Motorola").

Parties

     1.   Plaintiff WiNet Labs is a Wyoming company with its principal place of business in Newtown, Pennsylvania.

     2.   Motorola is a Delaware company, having a regular and established place of business in Chicago, Illinois.

Jurisdiction and Venue

     3.   This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*

     4.   This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

     5.   This Court may exercise personal jurisdiction over Motorola. Motorola conducts

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continuous and systematic business in Illinois and in this District. Motorola maintains corporate offices in this District. This patent-infringement case arises directly from Motorola's continuous and systematic activity in this District. In short, this Court's exercise of jurisdiction over Motorola would be consistent with traditional notions of fair play and substantial justice.

6.   Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(b).

Infringement of U.S. Patent No. 7,593,374 (the "'374 patent")

7.   WiNet Labs hereby realleges and incorporates by reference, as if fully set forth herein, the allegations of paragraphs 1-6 above.

8.   WiNet Labs is the exclusive owner of the '374 patent, which is attached hereto as "Exhibit 1."

9.   The '374 patent is valid and enforceable.

10.   Motorola has and is directly infringing claims of the '374 patent. Motorola practices the methods embodied in the claims of the '374 patent. Without limiting the claims that may be asserted or the services that may be accused of infringement in this action, Motorola is infringing claim 1 of the '374 patent when Motorola makes, uses, and sells its "Mobile Hotspot" service. Motorola delivers the accused "Mobile Hotspot" service through software within the possession, custody, and control of Motorola. To deliver "Mobile Hotspot" service, Motorola does *not* rely on hardware, software, or firmware within the possession, custody, or control of Motorola product users. As demonstrated below, the "Mobile Hotspot" software practices each step of the method of Claim 1 of the '374 patent. According to the End User License Agreement, Motorola owns and controls the "Mobile Hotspot" service and associated software, granting a license to the software to the Motorola device user.

11. Claim 1 is, "A method for forming an ad-hoc network with a plurality of nodes, the method comprising . . . ." (Ex. A, col. 8:50-51.) The "Mobile Hotspot" service practices Claim 1's method of forming an ad-hoc network with a plurality of nodes. For example, the "Mobile Hotspot" service on a Motorola smartphone and a laptop computer could form an ad-hoc network.

12. Claim 1 includes "electing a coordinating node from the plurality of nodes . . . ." (Ex. A, col. 8:52.) The Motorola smartphone and the laptop computer include "nodes," which allow these devices to send and receive data among other devices. Based on the "Mobile Hotspot" service on the Motorola telephone initiating the shared connection with the laptop computer and the initiating telephone's serial number, the initiating telephone is elected the coordinating node. The "Mobile Hotspot" service on the Motorola smartphone is comprised of software, and this service performs each step of the Claim 1 method.

13. Claim 1 continues, "the coordinating node then: assigning an ad-hoc network address to each of the other nodes with the ad-hoc address recognizing participation of a respective node in the network . . . ." (Ex. A, col 8:52-56.) The initiating telephone assigns the name "Mobile Hotspot 1" as an ad-hoc network address and with this ad-hoc address recognizes the participation of the laptop computer in the network.

14. Claim 1 includes "assigning a local address to each of the other nodes with the local address setting a position of a respective node in the network . . . ." (Ex. A, col. 8:57-59.) The "Mobile Hotspot" service uses each device's MAC address as the unique element that sets that device's position within the ad-hoc network.

15. In claim 1, "the electing step comprises . . . emitting pings from each of the nodes

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to locate nodes within a radio range; broadcasting a tag from each of the located nodes to identify each of the located nodes; sending out an election-ballot packet by each of identified nodes to each of the other identified nodes . . . ." (Ex. A, 8:60-65.) The smartphone and the laptop computer each have an antenna and a transceiver. A "ping" is a computer network administration software utility that is used to test the reachability of a host on an Internet Protocol (IP) network. The "Mobile Hotspot" service running on the Motorola smartphone emits pings to locate other devices within the smartphone's radio range. The "Mobile Hotspot" service running on the smartphone in fact located laptop computer as being within radio range, as evidenced by a display on the smartphone that the laptop computer was within radio range.

16.   In addition, to elect the initiating telephone as the coordinating node, a tag is broadcasted from each of the telephone and the laptop computer to identify each device. Also, to elect the initiating telephone as the coordinating node, an election-ballot packet is sent by and among the initiating telephone and the laptop computer—i.e, a block of data is sent that governs the election of the initiating telephone as the coordinating node.

17.   Claim 1 continues, "wherein the electing step further comprises electing the coordinating node based on information in the tags, wherein each of the tags includes a serial number, the election step further comprises electing the coordinating node based on its serial number." (Ex. A, col. 8:66-9:3.) The tag associated with the initiating telephone includes the telephone's serial number. The initiating telephone is elected the coordinating node based on its serial number.

18.   Claim 2 of the '374 patent adds to Claim 1, "wherein the coordinating node further allocates bandwidth to each of the nodes on a rotating, collision-free basis." (Ex. A, col.

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9:4-6.) Through operation of the "Mobile Hotspot" service, the initiating telephone allocates bandwidth to the laptop computer on a rotating, collision-free basis.

19.   Claim 3 of the '374 patent adds to Claim 2, "wherein the coordinating node allocates bandwidth based on an amount of bandwidth requested by all of the nodes in the network." (Ex. A, col. 9:7-9.) Through operation of the "Mobile Hotspot" service, the initiating telephone allocates bandwidth to the laptop computer based on an amount of bandwidth requested by the telephone and laptop computer.

20.   Claim 4 of the '374 patent adds to Claim 1, "communicating data among each of the nodes in the network in a sequential cycle." (Ex. A, col. 9:4-6.) Through operation of the "Mobile Hotspot" service, the initiating telephone communicates data between itself and the laptop computer in a sequential cycle.

21.   Claim 12 of the '374 patent adds to Claim 1, "wherein the coordinating node further recognizes that a node is leaving the network." (Ex. A, col. 10:3-4.) Claim 13 of the '374 patent adds to Claim 1, "wherein the coordinating node further recognizes that a node wants to join the network." (Ex. A, col. 10:5-6.) Through operation of the "Mobile Hotspot" service, the initiating telephone recognizes that devices, such as the laptop computer, leaves or desires to join the ad-hoc network.

Prayer for Relief

WHEREFORE, WiNet Labs prays for the following relief against Motorola:

(a)   Judgment that Motorola has directly infringed claims 1, 2, 3, 4, 12, and 13 of the '374 patent;

(b)   A reasonable royalty;

(c)   Pre-judgment interest and post-judgment interest at the maximum rate allowed by

law;

(d)   Post-judgment injunction; and

(e)   Such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

WiNet Labs demands a trial by jury on all matters and issues so triable.

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Date: <u>February 14, 2020</u>   Respectfully Submitted,

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