

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

WISCONSIN RESEARCH
TECHNOLOGIES LLC

Plaintiff,

v.

BEIJING JHBF TECHNOLOGY
DEVELOPMENT CO., LTD.

Defendants.

Civil Action No. 3:20-cv-0165

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Wisconsin Research Technologies LLC (“WRT” or “Plaintiff”), for its Complaint against Defendant Beijing JHBF Technology Development Co., Ltd., (“JHBF” or “Defendant”), alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. § 1331 and 1338.

THE PARTIES

2. Plaintiff is a limited liability company organized under the laws of the State of Wisconsin with a place of business at 345 West Washington Avenue, Madison, Wisconsin 53703.

3. On information and belief, JHBF is a corporation organized and existing under the laws of the State of Beijing, China with a place of business at No.7 Building, The Pearl River

Mall International Center, Changping District, Beijing, China, 102206, and can be served at the same address.

4. This Court has at least specific personal jurisdiction over Defendant pursuant to due process and the Wisconsin Long Arm Statute, due at least to its continuous business contacts and infringing activities in the state of Wisconsin and in this District.

5. Defendant has transacted and continues to transact business within this District, including by advertising, offering for sale, and selling infringing products within this District and the State. Specifically, Defendant sells and offers to sell infringing products and services throughout the United States, including in this judicial district, and introduces products and services that enter the stream of commerce and that incorporate infringing technology knowing that they would be used and sold in this judicial district and elsewhere in the United States.

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

BACKGROUND

7. This lawsuit initially asserts infringement of United States Patent 7,719,981 (the “’981 Patent,” or “patent in suit”). Plaintiff is the assignee and owner of all right, title and interest in and to the patent in suit. Plaintiff’s ownership interest includes but is not limited to the right to assert all causes of action and obtain any remedies for infringement of the patent in suit, including damages for infringement that predates their assignment to Plaintiff.

COUNT I -- INFRINGEMENT OF U.S. PATENT NO. 7,719,981

8. The allegations set forth in the preceding paragraphs are incorporated into this First Claim for Relief.

9. On May 18, 2010, the '981 patent entitled "Adaptive Transmission in Multi-Access Asynchronous Channels" was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '981 patent is attached as Exhibit 1.

10. Defendant has infringed and continues to directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '981 patent, including at least claims 1, 2 and 6, by using the patented methods of the '981 Patent in connection with its products (the "Accused Products") to communicate over a shared transmission medium.

11. On information and belief, Defendant has and continues to directly infringe at least claim 1 of the '981 patent by making, using, selling, importing and/or providing and causing to be used products and/or services and which are associated with said products and/or services, in which the device, which products by way of example include Defendant's retail consumer products and/or marketing materials.

12. Specifically, Defendant sells and distributes an extensive line of wireless headphones, including the products shown below, that infringe at least claims 1, 2, and 6 of the '981 Patent:

Note: Always contact your supplier to determine if the coronavirus (COVID-19) will affect your order.

Ready to Ship In Stock Fast Dispatch

Original honor fitness band 5i smart watch touch screen bluetooth heart rate and blood oxygen monitor
1 buyer

Quantity	Price
1-9 Pieces	\$22.00
10-29 Pieces	\$21.00
>=30 Pieces	\$20.00

Color: [0] \$22.00 [0] [0] [0] [0]

Product Name: Smart Bracelet Wristband

Shipping to United States by Alibaba.com Eco...
Lead Time 8 days
Shipping time 7-10 days

Start Order
Contact Supplier
Add to cart

Verified Supplier
Beijing JHBF Technology Deve...
Trading Company
CN 1YR 5.0★
100% Response Rate
500+ for 7 Transactions

Customization: Customized packaging (Min. Order: 2000 Pieces)

https://www.alibaba.com/product-detail/Original-honor-fitness-band-5i-smart_62478790373.html?spm=a2700.icbuShop.82.3.ad7f4676Ad9QEX&fullFirstScreen=true

Ready to Ship ✔ In Stock ✔ Fast Dispatch

Wholesale bluetooth ear buds earbuds in ear touch control true wireless stereo waterproof

1-9 Pieces	10-29 Pieces	>=30 Pieces
\$49.00	\$47.00	\$45.00

Connectors: USB

Color: [Color 1] \$49.00 - 0 +


[Color 2] \$49.00 - 0 +

[Color 3] \$49.00 - 0 +

Customization: Customized packaging (Min. Order: 2000 Pieces)


Samples: \$47.00 /Piece, 1 Piece (Min. Order): [Buy Samples](#)

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13. The inventions of the '981 patent resolve technical problems related to a method of communication between multiple devices over a single, shared transmission medium, and more specifically to employing an adaptive medium access control protocol together with a corresponding logical link control protocol supporting adaptive channel allocation to improve device communication over a shared transmission medium. The Accused Products utilize this particular method to enable wireless communication between, for instance, the referenced smartwatch and wireless headphones, or between each of these devices and a smartphone.

14. Claim 1 of the '981 Patent specifically reads as follows:

A method of communication over a shared transmission medium, comprising:

Defining a transmission cycle having a first portion and a second portion which are alternately repeated by defining an adaptive time-division multiplexing transmission cycle portion and a residual transmission cycle portion; Allocating a part of the first transmission cycle

portion to each of a plurality of network entities employing the shared transmission medium; and allocating parts of the second transmission cycle portion as available to network entities employing the shared transmission medium based on primacy of requests for access to the shared transmission medium.

15. Defendant's Accused Products perform said method to communicate over a shared transmission medium that defines and utilizes a transmission cycle. Said cycle has a first portion—with transmissions based on traffic demands to and from the devices utilizing the shared transmission medium—and a second portion—with regular transmissions to maintain channel synchronization. These cycles are alternately repeated utilizing a time-division multiplexing transmission cycle portion to support multiple concurrent operations and a residual transmission cycle portion to enable new connections and ensure lost acknowledgements are retransmitted.

16. Further, Defendant's Accused Products in performing said method allocate a part of said first transmission cycle portion to each of a plurality of network entities employing the shared transmission medium. These transmission cycle portions are based on traffic demands to and from the two or more devices, including the Accused Products, on the shared transmission medium enable communication between connected devices.

17. Finally, Defendant's Accused Products in performing said method allocate parts of said second transmission cycle portions as available to network entities employing the shared transmission medium based on primacy of requests for access to the shared transmission medium. These transmission cycle portions are, for example, used for regular transmissions to maintain synchronization on the shared communication medium and to enable new connections.

These transmission cycles are prioritized based on primacy, prioritizing transmissions used to resynchronize the shared transmission medium.

18. On information and belief, these Accused Products are used, marketed, provided to, and/or used by or for each of Defendant's partners, clients, customers and end users across the country and in this District.

19. Defendant was made aware of the '981 patent and its infringement thereof at least as early as the filing date of this complaint.

20. On information and belief, Defendant has induced and continues to induce others to infringe at least one claim of the '981 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting the infringement of others (including but not limited to Defendant's partners, clients, customers, and end users) whose use of the Accused Products constitutes direct infringement of at least one claim of the '981 patent.

21. In particular, Defendant's actions that aid and abet the infringement of others include, e.g., advertising and distributing the Accused Products and providing instruction materials, training, and services regarding the Accused Products. On information and belief, Defendant has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because each Defendant has had actual knowledge of the '981 patent and knowledge that its acts were inducing infringement of the '981 patent.

22. On information and belief, Defendant has contributed to infringement of one or more claims of the '981 patent under 35 U.S.C. § 271(c) by offering to sell or selling within the United States and/or importing into the United States without authorization products and/or services that incorporate the '981 patent's unique communication method over a shared

transmission medium with the knowledge that such products and/or services are especially made or adapted for use in an infringement of the '981 patent. The Accused Products are a material component for use in practicing the '981 patent and are not staple articles of commerce suitable for substantial non-infringing use.

23. Without the benefits of full factual and expert discovery, which will be obtained through litigation in this Court, Plaintiff cannot yet define the total amount of compensatory damages caused by Defendant's infringement. Nonetheless, a preliminary investigation of publicly available information, including without limitation import/export records from international trade databases, shows that reasonable royalty damages for past infringement will be at least \$2,000,000 USD plus an ongoing royalty rate for future sales.

24. Plaintiff has been harmed by Defendant's infringing activities.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '981 patent.
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendant's past infringement of the '981 patent, but in no event less than a reasonable royalty, together with interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial. As noted, a preliminary investigation of publicly available information, including without limitation import/export records from

international trade databases, shows that reasonable royalty damages for past infringement will be at least \$3,000,000 USD plus an ongoing royalty rate for future sales.

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees;

D. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

Dated: February 25, 2020

CEDAR LAW GROUP LLC

/s/ Pete Wolfgram

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