

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

<p>MENTONE SOLUTIONS LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>DIGI INTERNATIONAL INC.,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;">Case No.</p> <p style="text-align: center;">Jury Trial Demanded</p>
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FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Mentone Solutions LLC, by and through the undersigned counsel, files this Complaint for patent infringement against Defendant Digi International Inc., and in support states, all upon information and belief:

PARTIES

1. Plaintiff Mentone Solutions LLC (“Mentone” or “Plaintiff”) is a limited liability company organized and existing under the laws of the State of Texas and having its office address at 15922 Eldorado Pkwy, Suite 500-1534, Frisco, Texas 75035.

2. Defendant Digi International Inc. (“Digi” or “Defendant”) is a corporation organized and existing under the laws of the State of Delaware. Digi maintains its registered office at The Corporation Trust Company, Corporation Trust Center 1209 Orange St., Wilmington, DE 19801, and has offices at 11001 Bren Road East, Minnetonka, Minnesota.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant at least because Defendant is a corporation organized under the laws of the State of Delaware.

5. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391 and 1400(b) because Defendant is deemed to be a resident of this District.

PATENT 6,952,413

6. U.S. Patent No. 6,952,413, entitled “Extended Dynamic Resource Allocation In Packet Data Transfer” (the “413 Patent”) was duly and legally issued on October 4, 2005. A true and correct copy of the ’413 Patent is attached as Exhibit A.

7. The Patent disclosed and exemplified a unique and valuable method for control of packet data transmissions in a wireless network to provide allocation of communication channels.

8. Plaintiff is the named assignee of, owns all right, title and interest in, and has standing to sue and recover all past damages for infringement of the ‘413 Patent.

COUNT I – INFRINGEMENT OF THE ’413 PATENT

9. Plaintiff restates and incorporates by reference the foregoing allegations.

10. On January 22, 2018 Digi purchased all of the outstanding stock of Accelerated Concepts, Inc. (“Accelerated”). Accelerated, founded in 2006, provided secure, enterprise-grade, LTE networking equipment for primary and backup connectivity applications.

11. The Accelerated products included the CORE 1002-CM LTE Plug-In Modem:



The modem has since become integrated into Digi’s system as the Digi CORE® 1002 CM plug-in LTE modem.

12. The CORE 1002-CM LTE Plug-In Modem was integrated with other devices including Accelerated’s 6350-SR LTE Router and 6330-MX LTE Router. The CORE 1002-CM LTE Plug-In Modem and the products into which it was incorporated or integrated are hereafter referred to a “the Modem.”

13. The Modem included dual SIM slots and included multiple certified modules: LTE Advanced (Category 6); 4G LTE (Category 4) and 4G LTE (Category 3) with 3G fallback (EV-DO). The network communication technologies included Dual Carrier HSPA+ (also referred to as DC-HSPA+).

14. Accelerated also introduced and made, used and sold the Accelerated 6300-CX Cellular Extender, which was a cellular connectivity router:



15. The router supported DC-HSPA+, HSPA+, HSPA, EDGE, GPRS, GSM and CDMA. The router is hereafter referred to as “the Router.”

16. The Router has since become integrated into Digi’s system as the Digi® 6300-CX LTE cellular extender.

17. Using the Modem and/or the Router necessarily and inherently required the practice of the method of at least claim 5 of the ‘413 Patent, because the practice of DC-HSPA+ inherently and inevitably practices the step of claim 5 of the ‘413 Patent. . Attached hereto as Exhibit 2, and incorporated herein by reference, is a claim chart detailing why the use of the Modem and/or the Router constituted infringement of claim 5 of the ‘413 Patent.

18. Accelerated/Digi used the infringing method to support the development, certifications, specifications, promotion and ultimate sale of the Modem and the Router.

19. As a result of Defendant’s infringement of the ‘413 Patent, Plaintiff has suffered damages.

20. Plaintiff is entitled to a money judgment in an amount adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

Plaintiff Mentone LLC respectfully requests that the Court find in its favor and against Defendant Digi Technologies, Inc., and that the Court grant Plaintiff the following relief:

A. an adjudication that Defendant had infringed the ‘413 Patent;

B. an award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendant's past infringement of the '413 Patent through its expiration, including pre-judgment and post-judgment interest, costs, expenses, and an accounting of all infringing acts; and

C. any and all such further relief at law or in equity that the Court may deem just and proper, including but not limited to attorneys' fees.

Dated: February 26, 2020

Respectfully submitted by:

/s/ George Pazuniak
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