

**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>ELO TOUCH SOLUTIONS, 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 Elo Touch Solutions, 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 Elo Touch Solutions, Inc. (“Elo” or “Defendant”) is a corporation organized and existing under the laws of the State of Delaware. Elo maintains its registered office at Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

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. Elo made, used and sold a series of products identified as the Elo I-Series Android all-in-one (AiO) signage units that had 3G/4G LTE built in. (“the Android Signages”).

11. The Android Signages included Dual Carrier HSPA+ (also referred to as DC-HSPA+) capability.

12. Using the Android Signage 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 Android Signage constituted infringement of claim 5 of the '413 Patent.

13. Elo used the infringing method to develop and support the development, certifications, specifications, promotion and ultimate sale of the Android Signages.

14. As a result of Defendant's infringement of the '413 Patent, Plaintiff has suffered damages.

15. 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 Elo Touch Solutions, 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
George Pazuniak (#478)
O'KELLY & ERNEST, LLC
824 N. Market Street
Suite 1001A
Wilmington, DE 19801
(302) 478-4230
gp@del-iplaw.com

Attorney for Plaintiff