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15 Attorneys for Plaintiff  
16 HARMONY LICENSING LLC

17 **IN THE UNITED STATES DISTRICT COURT**  
18 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

19 **HARMONY LICENSING LLC,**

20 Plaintiff,

21 v.

22 **DATALOGIC USA, INC.,**

23 Defendant.

Civil Action No.:

**TRIAL BY JURY DEMANDED**

24 **COMPLAINT FOR INFRINGEMENT OF PATENT**

25 Now comes Plaintiff, Harmony Licensing LLC (“Plaintiff” or “Harmony”),  
26 by and through undersigned counsel, and respectfully alleges, states, and prays as  
27 follows:  
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**NATURE OF THE ACTION**

1  
2 1. This is an action for patent infringement under the Patent Laws of the  
3 United States, Title 35 United States Code (“U.S.C.”) to prevent and enjoin  
4 Defendant Datalogic USA, Inc. (hereinafter “Defendant”), from infringing and  
5 profiting, in an illegal and unauthorized manner, and without authorization and/or  
6 consent from Plaintiff from U.S. Patent No. RE42,219 (“the ‘219 Patent” or the  
7 “Patent-in-Suit”), which is attached hereto as Exhibit A and incorporated herein by  
8 reference, and pursuant to 35 U.S.C. §271, and to recover damages, attorney’s fees,  
9 and costs.  
10  
11

**THE PARTIES**

12  
13  
14 2. Plaintiff is a Texas limited liability company with its principal place of  
15 business at 5570 FM 423 – Suite 250-2066, Frisco, Texas 75034.  
16

17 3. Upon information and belief, Defendant is a corporation organized under  
18 the laws of New York, having a principal place of business at 959 Terry Street,  
19 Eugene, Oregon 97402. Upon information and belief, Defendant may be served with  
20 process c/o CSC – Lawyers Incorporating Service, 2710 Gateway Oaks Drive –  
21 Suite 150N, Sacramento, California 95833.  
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23 4. Upon information and belief, Defendant owns, operates, or maintains a  
24 physical presence at 55 West Del Mar Boulevard, Pasadena, California 91105,  
25 which is in this judicial district.  
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**JURISDICTION AND VENUE**

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5. This is an action for patent infringement in violation of the Patent Act of the United States, 35 U.S.C. §§1 *et seq.*

6. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a).

7. This Court has personal jurisdiction over Defendant by virtue of its systematic and continuous contacts with this jurisdiction and its residence in this District, as well as because the injury to Plaintiff and the cause of action alleged by Plaintiff has arisen in this District, as alleged herein.

8. Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to its substantial business in this forum, including: (i) committing at least a portion of the infringements alleged herein in this judicial District; (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this forum state and in this judicial District; and (iii) having a physical presence in this District.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b), because Defendant resides in this district. See *TC Heartland v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017); *In re Google, LLC*, No. 2019-126, 2020 U.S. App. LEXIS 4588 (Fed. Cir. Feb. 13, 2020).

**FACTUAL ALLEGATIONS**

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10. On March 15, 2011, the United States Patent and Trademark Office (“USPTO”) duly and legally issued the ‘219 Patent, entitled “MULTIPLE-INPUT MULTIPLE-OUTPUT (MIMO) SPREAD SPECTRUM SYSTEM AND METHOD” after a full and fair examination. The ‘219 Patent is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

11. Plaintiff is presently the owner of the ‘219 Patent, having received all right, title and interest in and to the ‘219 Patent from the previous assignee of record. Plaintiff possesses all rights of recovery under the ‘219 Patent, including the exclusive right to recover for past infringement.

12. To the extent required, Plaintiff has complied with all marking requirements under 35 U.S.C. § 287.

13. The invention claimed in the ‘219 Patent provides a system and method for transmitting a plurality of spread-spectrum signals over a communications channel having fading. The plurality of spread-spectrum signals are radiated by a plurality of antennas, with each antenna preferably spaced by one-quarter wavelength. A plurality of receiver antennas receive the plurality of spread-spectrum signals and a plurality of fading spread-spectrum signals. Each receiver antenna is coupled to a plurality of matched filters having a respective plurality of impulse responses matched to the chip-sequence signals of the plurality of spread spectrum signals. A RAKE and space-diversity combiner combines, for each

1 respective chip-sequence signal, a respective plurality of detected spread-spectrum  
2 signals and a respective multiplicity of detected-multipath-spread spectrum signals,  
3 to generate a plurality of combined signals. The symbol amplitudes can be measured  
4 and erasure decoding employed to improve performance.  
5

6 14. Claim 1 of the '219 Patent claims:

7  
8 1. A multiple-input-multiple-output (MIMO) method for receiving data  
9 having symbols, with the data having symbols demultiplexed into a  
10 plurality of subchannels of data, with the plurality of subchannels of  
11 data spread-spectrum processed with a plurality of chip-sequence  
12 signals, respectively, with each chip-sequence signal different from  
13 other chip-sequence signals in the plurality of chip-sequence signals,  
14 thereby generating a plurality of spread-spectrum subchannel signals,  
15 respectively, with the plurality of spread-spectrum-subchannel signals  
16 radiated, using radio waves, from a plurality of antennas as a plurality  
17 of spread spectrum signals, respectively, with the plurality of spread  
18 spectrum signals passing through a communications channel having  
19 multipath, thereby generating, from the plurality of spread-spectrum  
20 signals, at least a first spread-spectrum signal having a first channel of  
21 data arriving from a first path of the multipath, and a second spread-  
22 spectrum signal having a second channel of data arriving from a second  
23 path of the multipath, comprising the steps of:

18 receiving the first spread-spectrum signal and

19 the second spread-spectrum signal with a plurality of receiver  
20 antennas;

21 detecting, at each receiver antenna of the plurality of receiver  
22 antennas, the first spread-spectrum signal as a first plurality of  
23 detected spread-spectrum signals, respectively;

24 detecting, at each receiver antenna of the plurality of receiver  
25 antennas, the second spread-spectrum signal as a second plurality  
26 of detected spread-spectrum signals, respectively;

27 combining, from each receiver antenna of the plurality of receiver  
28 antennas, each of the first plurality of detected spread-spectrum  
signals, thereby generating a first combined signal; and

combining, from each receiver antenna of the plurality of receiver  
antennas, each of the second plurality of detected spread-  
spectrum signals, thereby generating a second combined signal.

1           15. Claim 25 of the '219 Patent claims:

2           25. A multiple input multiple output (MIMO) method  
3           improvement, for transmitting data having symbols, over a  
4           communications channel, comprising the steps of:  
5                 demultiplexing the data into a plurality of subchannels of data;  
6                 spread-spectrum processing the plurality of subchannels of data, with  
7                 the plurality of subchannels of data spread-spectrum processed  
8                 with a plurality of chip sequence signals, respectively, with each  
9                 chip-sequence signal different from other chip-sequence signals  
10                in the plurality of chip-sequence signals, thereby generating a  
11                plurality of spread-spectrum-subchannel signals, respectively;  
12                radiating from a plurality of antennas, using radio waves, the plurality  
13                of spread-spectrum-subchannel signals, over the communications  
14                channel, as a plurality of spread-spectrum signals, respectively;  
15                imparting, from the communications channel, multipath on the plurality  
16                of spread-spectrum signals, thereby generating at least a first  
17                spread-spectrum signal having a first channel of data arriving  
18                from a first path of the multipath, and a second spread-spectrum  
19                signal having a second channel of data arriving from a second  
20                path of the multipath;  
21                receiving the first spread-spectrum signal and the second spread-  
22                spectrum signal with a plurality of receiver antennas;  
23                detecting, at each receiver antenna of the plurality of receiver antennas,  
24                the first spread-spectrum signal and the second spread-spectrum  
25                signal, as a first plurality of detected spread-spectrum signals and  
26                a second plurality of detected spread-spectrum signals,  
27                respectively;  
28                combining, from each receiver antenna of the plurality of receiver  
                  antennas, each of the first plurality of detected spread-spectrum  
                  signals, thereby generating a first combined signal; and  
                  combining, from each receiver antenna of the plurality of receiver  
                  antennas, each of the second plurality of detected spread-  
                  spectrum signals, thereby generating a second combined signal.

24           16. Defendant commercializes, inter alia, methods that perform all the steps  
25           recited in at least one claim of the '8219 Patent. More particularly, Defendant  
26           commercializes, inter alia, methods that perform all the steps recited in Claims 1,  
27           commercializes, inter alia, methods that perform all the steps recited in Claims 1,  
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1 and 25 of the '219 Patent. Specifically, Defendant makes, uses, sells, offers for sale,  
2 or imports a method that encompasses that which is covered by Claims 1 and 25 of  
3 the '219 Patent.  
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#### 5 **DEFENDANT'S PRODUCT(S)**

6 17. Defendant offers products, such as Datalogic's Lynx PDA (the  
7 "Accused Product") that, at least in internal testing and usages, utilized by the  
8 accused product practices a multiple-input-multiple-output (MIMO) method (e.g.,  
9 MIMO antenna system for receiving data) for receiving data having symbols (e.g.,  
10 data symbols such as QAM data symbols), with the data having symbols (e.g., high  
11 speed data stream symbols) demultiplexed into a plurality of subchannels (e.g.,  
12 demultiplexing of data into multiple data subchannels) of data, with the plurality of  
13 subchannels (e.g., multiple data streams) of data spread-spectrum processed with a  
14 plurality of chip-sequence signals (e.g., spreading code), respectively, with each  
15 chip-sequence signal (e.g., spreading code) different from other chip-sequence  
16 signals (e.g., spreading code) in the plurality of chip-sequence signals (e.g.,  
17 spreading code), thereby generating a plurality of spread-spectrum-subchannel  
18 signals (e.g., multiple spread-spectrum signals corresponding to multiple  
19 subchannels), respectively, with the plurality of spread-spectrum-subchannel signals  
20 radiated, using radio waves (e.g., EM waves), from a plurality of antennas (e.g.,  
21 MIMO antenna system for data transmission) as a plurality of spread-spectrum  
22 signals, respectively, with the plurality of spread-spectrum signals passing through a  
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1 communications channel (e.g., radio waves) having multipath (e.g., a multipath  
2 fading environment) from the plurality of spread-spectrum signals, at least a first  
3 spread-spectrum signal (e.g., a spread-spectrum signal corresponding to a first  
4 spreading code) having a first channel (e.g., a first data stream) of data arriving from  
5 a first path of the multipath, and a second spread-spectrum signal (e.g., a spread-  
6 spectrum signal corresponding to a second spreading code) having a second channel  
7 (e.g., a second data stream) of data arriving from a second path of the multipath.  
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10 18. A non-limiting and exemplary claim chart comparing the Accused  
11 Product to Claims 1 and 25 of the '219 Patent is attached hereto as Exhibit B and is  
12 incorporated herein as if fully rewritten.  
13

14 19. For example, as recited in one step of Claim 1, the Accused Product  
15 utilizes multiple input and multiple output antennas (multiple antennas within  
16 HSPA+ base station and devices) for sending and receiving multiple signals  
17 (cellular data) into a communication channel (Cellular communication channel). See  
18 Ex. B.  
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21 20. The Accused Product has HSPA+ capabilities. The accused product  
22 converts incoming data stream into data-symbols and divide it into multiple streams  
23 distinct from each other and incoming data stream. See Ex. B.  
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25 21. The Accused Product processes demultiplexed multiple data streams  
26 with multiple spreading codes, respectively; and thereby distributes each signal  
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1 across the available bandwidth. The accused product generates multiple spread-  
2 spectrum subchannel signals correspond to multiple data streams. See Ex. B.

3         22. The Accused Product processes demultiplexed multiple data streams  
4 with multiple spreading codes, respectively; and thereby distributes each signal  
5 across the available bandwidth. The Accused Product generates multiple spread-  
6 spectrum subchannel signals correspond to multiple data streams. The Accused  
7 Product receives signals irradiated through multiple antennas corresponding to data  
8 which has been processed with one or more codes (spreading codes) that distribute  
9 and increase the bandwidth of the data across the available bandwidth. See Ex. B.

10         23. Additionally, as recited in another step of Claim 1, the Accused Product  
11 practices receiving the first spread-spectrum signal (e.g., the spread-spectrum signal  
12 corresponding to the first spreading code) and the second spread-spectrum signal  
13 (e.g., the spread-spectrum signal corresponding to the second spreading code) with a  
14 plurality of receiver antennas (e.g., multiple antenna system of the accused product).  
15 See Ex. B.

16         24. As recited in another step of Claim 1, the Accused Product practices  
17 detecting, at each receiver antenna of the plurality of receiver antennas, the first  
18 spread-spectrum signal (e.g., spread-spectrum signal corresponding to a first  
19 spreading code) as a first plurality of detected spread-spectrum signals, respectively.  
20 See Ex. B.

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1           25. The Accused Product receives signals at its multiple antennas. The  
2 accused product determines the presence of and recovers the first spread-spectrum  
3 signal (a first spread-spectrum signal corresponding to a first spreading code)  
4 received at each antenna port, with the first spread-spectrum signal (the first spread-  
5 spectrum signal corresponding to the first spreading code) being multipath signal.  
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7 See Ex. B.  
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9           26. As recited in another step of Claim 1, the Accused Product practices  
10 detecting, at each receiver antenna of the plurality of receiver antennas, the second  
11 spread-spectrum signal (e.g., the spread-spectrum signal corresponding to the  
12 second spreading code) as a second plurality of detected spread-spectrum signals,  
13 respectively. See Ex. B.  
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15           27. As recited in another step of Claim 1, the Accused Product practices  
16 combining, from each receiver antenna of the plurality of receiver antennas, each of  
17 the first plurality of detected spread-spectrum signals (e.g., the spread-spectrum  
18 signal corresponding to the first spreading code), thereby generating a first  
19 combined signal. See Ex. B.  
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21           28. Additionally, as recited in another step of Claim 1, the Accused Product  
22 practices combining, from each receiver antenna of the plurality of receiver  
23 antennas, each of the second plurality of detected spread-spectrum signals (e.g., the  
24 spread-spectrum signal corresponding to the second spreading code), thereby  
25 generating a second combined signal. See Ex. B.  
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1           29. As recited in one step of Claim 25, a system, at least in internal testing  
2 and usages, utilized by the Accused Product practices a multiple-input-multiple-  
3 output (MIMO) (e.g., MIMO antenna system) method improvement, for  
4 transmitting data having symbols (e.g., data symbols such as QAM symbols), over a  
5 communications channel (e.g., HSPA+ physical communication channel). See Ex.  
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7 B.

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9           30. The accused product utilizes multiple input and multiple output  
10 antennas (multiple antennas within HSPA+ base station and devices) for sending  
11 and receiving multiple signals (cellular data) into a communication channel  
12 (Cellular communication channel). See Ex. B.

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14           31. Additionally, as recited in another step of Claim 25, the system, at least  
15 in internal testing and usages, utilized by the Accused Product practices  
16 demultiplexing the data (e.g., demultiplexing of data into multiple subchannels of  
17 data) into a plurality of subchannels of data. See Ex. B.

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19           32. As recited in another step of Claim 25, the system, at least in internal  
20 testing and usages, utilized by the accused product practices spread-spectrum (e.g.,  
21 spreading) processing the plurality of subchannels of data (e.g., demultiplexed  
22 multiple data streams), with the plurality of subchannels of data spread-spectrum  
23 processed with a plurality of chip-sequence signals (e.g., spreading code),  
24 respectively, with each chip-sequence signal different from other chip-sequence  
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1 signals in the plurality of chip-sequence signals, thereby generating a plurality of  
2 spread-spectrum-subchannel signals, respectively. See Ex. B.

3           33. As recited in another step of Claim 25, the system, at least in internal  
4 testing and usages, utilized by the Accused Product practices radiating from a  
5 plurality of antennas (e.g., MIMO antenna system), using radio waves, the plurality  
6 of spread-spectrum-subchannel signals (e.g., spread-spectrum signals outputted after  
7 spreading the signals with multiple spreading codes), over the communications  
8 channel (e.g., HPSA+ physical communication channel), as a plurality of spread-  
9 spectrum signals (e.g., spread-spectrum signals outputted after spreading the signals  
10 with multiple spreading codes), respectively. See Ex. B.

11           34. As recited in another step of Claim 25, the system, at least in internal  
12 testing and usages, utilized by the Accused Product practices imparting, from the  
13 communications channel, multipath (e.g., a multipath fading environment) on the  
14 plurality of spread-spectrum signals, thereby generating at least a first spread-  
15 spectrum signal (e.g., a spread-spectrum signal with a first spreading code) having a  
16 first channel (e.g., a first data stream) of data arriving from a first path of the  
17 multipath, and a second spread-spectrum signal (e.g., a spread-spectrum signal with  
18 a second spreading code) having a second channel (e.g., a second data stream) of  
19 data arriving from a second path of the multipath.  
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26           35. As recited in another step of Claim 25, the Accused Product practices  
27 receiving the first spread-spectrum signal (e.g., the spread-spectrum signal  
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1 corresponding to the first spreading code) and the second spread-spectrum signal  
2 (e.g., the spread-spectrum signal corresponding to the second spreading code) with a  
3 plurality of receiver antennas (e.g., multiple antenna system of the accused product).  
4

5 See Ex. B.

6 36. Additionally, as recited in another step of Claim 25, the Accused  
7 Product practices detecting, at each receiver antenna of the plurality of receiver  
8 antennas, the first spread-spectrum signal (e.g., the spread-spectrum signal  
9 corresponding to the first spreading code) and the second spread-spectrum signal  
10 (e.g., the spread-spectrum signal corresponding to the second spreading code), as a  
11 first plurality of detected spread-spectrum signals (e.g., the plurality of the spread-  
12 spectrum signal corresponding to the first spreading code received at both the  
13 antennas of the accused product) and a second plurality of detected spread-spectrum  
14 signals (e.g., e.g., the plurality of the spread-spectrum signal corresponding to the  
15 second spreading code received at both the antennas of the accused product),  
16 respectively. See Ex. B.  
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21 37. As recited in another step of Claim 25, the Accused Product practices  
22 combining, from each receiver antenna of the plurality of receiver antennas, each of  
23 the first plurality of detected spread-spectrum signals (e.g., the spread-spectrum  
24 signal corresponding to the first spreading code), thereby generating a first  
25 combined signal. See Ex. B.  
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1 44. Defendant has induced others to infringe the '219 Patent, by  
2 encouraging infringement, knowing that the acts Defendant induced constituted  
3 patent infringement, and its encouraging acts actually resulted in direct patent  
4 infringement.  
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6 45. By engaging in the conduct described herein, Defendant has injured  
7 Plaintiff and is thus liable for infringement of the '219 Patent, pursuant to 35 U.S.C.  
8 § 271.  
9

10 46. Defendant has committed these acts of infringement without license or  
11 authorization.  
12

13 47. As a result of Defendant's infringement of the '219 Patent, Plaintiff has  
14 suffered monetary damages and is entitled to a monetary judgment in an amount  
15 adequate to compensate for Defendant's past infringement, together with interests  
16 and costs.  
17

18 48. Plaintiff will continue to suffer damages in the future unless  
19 Defendant's infringing activities are enjoined by this Court. As such, Plaintiff is  
20 entitled to compensation for any continuing and/or future infringement up until the  
21 date that Defendant is finally and permanently enjoined from further infringement.  
22

23 49. Plaintiff reserves the right to modify its infringement theories as  
24 discovery progresses in this case; it shall not be estopped for infringement  
25 contention or claim construction purposes by the claim charts that it provides with  
26 this Complaint. The claim chart depicted in Exhibit B is intended to satisfy the  
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1 notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure and does  
2 not represent Plaintiff's preliminary or final infringement contentions or preliminary  
3 or final claim construction positions.

4  
5 **DEMAND FOR JURY TRIAL**

6 50. Plaintiff demands a trial by jury of any and all causes of action.

7  
8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for the following relief:

10 a. That Defendant be adjudged to have directly infringed the '219 Patent  
11 either literally or under the doctrine of equivalents;

12 b. An accounting of all infringing sales and damages including, but not  
13 limited to, those sales and damages not presented at trial;

14 c. That Defendant, its officers, directors, agents, servants, employees,  
15 attorneys, affiliates, divisions, branches, parents, and those persons in active concert  
16 or participation with any of them, be permanently restrained and enjoined from  
17 directly infringing the '219 Patent;

18 d. An award of damages pursuant to 35 U.S.C. §284, sufficient to  
19 compensate Plaintiff for the Defendant's past infringement and any continuing or  
20 future infringement up until the date that Defendant is finally and permanently  
21 enjoined from further infringement, including compensatory damages;



1 e. An assessment of pre-judgment and post-judgment interest and costs  
2 against Defendant, together with an award of such interest and costs, in accordance  
3 with 35 U.S.C. §284;

4  
5 f. That Defendant be directed to pay enhanced damages, including Plaintiff's  
6 attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285;  
7 and

8  
9 g. That Plaintiff be granted such other and further relief as this Court may  
10 deem just and proper.

11 Dated: September 29, 2020

Respectfully submitted,

12  
13 /s/  
14 Steven Ritcheson  
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20 Together with:

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