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15 Attorneys for Plaintiff Decatur Licensing LLC

16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 **DECATUR LICENSING LLC,**

19 Plaintiff,

20 v.

21 **ASUS COMPUTER INTERNATIONAL,**

22 Defendant.

Civil Action No.:

TRIAL BY JURY DEMANDED

23 **COMPLAINT FOR INFRINGEMENT OF PATENT**

24 Now comes, Plaintiff Decatur Licensing LLC (“Plaintiff”), by and through undersigned
25 counsel, and respectfully alleges, states, and prays as follows:

26 **NATURE OF THE ACTION**

27 1. This is an action for patent infringement under the Patent Laws of the United States,
28 Title 35 United States Code (“U.S.C.”) to prevent and enjoin Defendant ASUS Computer

International (hereinafter “Defendant”), from infringing and profiting, in an illegal and
COMPLAINT FOR PATENT INFRINGEMENT - 1

1 unauthorized manner, and without authorization and/or consent from Plaintiff from U.S. Patent
2 No. 9,706,467 (the “467 Patent” or the “Patent-in-Suit”), which is attached hereto as Exhibit A
3 and incorporated herein by reference, and pursuant to 35 U.S.C. §271, and to recover damages,
4 attorney’s fees, and costs.
5

6 **THE PARTIES**

7 2. Plaintiff is a Texas limited liability company with its principal place of business at
8 6009 West Parket Road – Suite 149-1185, Plano, Texas 75093.

9 3. Upon information and belief, Defendant is a corporation organized under the laws
10 of California, having a principal place of business at 48720 Kato Road, Fremont, California 94538.
11 Upon information and belief, Defendant may be served with process c/o CT Corporation System,
12 818 West Seventh Street – Suite 930, Los Angeles, California 90017.
13

14 4. Plaintiff is further informed and believes, and on that basis alleges, that Defendant
15 operates the website www.asus.com, which is in the business of providing consumer computer and
16 phone hardware and electronics. Defendant derives a portion of its revenue from sales and
17 distribution via electronic transactions conducted on and using at least, but not limited to, its
18 Internet website located at www.asus.com, and its incorporated and/or related systems or products
19 (collectively the “ASUS Website”). Plaintiff is informed and believes, and on that basis alleges,
20 that, at all times relevant hereto, Defendant has done and continues to do business in this judicial
21 district, including, but not limited to, providing products/services to customers located in this
22 judicial district by way of the ASUS Website.
23
24

25 **JURISDICTION AND VENUE**

26 5. This is an action for patent infringement in violation of the Patent Act of the United
27 States, 35 U.S.C. §§1 *et seq.*
28

1 rights of recovery under the '467 Patent, including the exclusive right to recover for past
2 infringement.

3 12. To the extent required, Plaintiff has complied with all marking requirements under
4 35 U.S.C. § 287.
5

6 13. The invention claimed in the '467 Patent comprises a method for obtaining radio
7 access network information.

8 14. Claim 1 of the '467 Patent states:

9 "1. A communication control method in a mobile commu-
10 nication system including a first base station and at least one
11 second base station having a smaller coverage area than the
12 first base station, comprising:

13 a step A of transmitting location information indicating a
14 location of the second base station from the first base
15 station; and

16 a step B of transmitting proximity notification informa-
17 tion to the first base station from a user terminal
18 connected to the first base station after the user terminal
19 receives the location information, the proximity noti-
20 fication information indicating that the user terminal is
21 in proximity of the second base station and being used
22 for making the user terminal use a different carrier from
23 a carrier used by the second base station, wherein

24 in the step A, the first base station transmits the location
25 information indicating the location of the second base
26 station while associating the location information with
27 the used carrier of the second base station, and

28 the step A comprises a step of broadcasting, on each used
carrier of the first base station, information indicating
the used carrier of each second base station." *See* Exhibit A.

15 15. Defendant commercializes, inter alia, methods that perform all the steps recited in
16 at least one claim of the '467 Patent. More particularly, Defendant commercializes, inter alia,
17 methods that perform all the steps recited in Claim 1 of the '467 Patent. Specifically, Defendant
18

1 makes, uses, sells, offers for sale, or imports a method that encompasses that which is covered by
2 Claim 1 of the '467 Patent.

3
4 **DEFENDANT'S PRODUCTS**

5 16. Defendant offers solutions, such as the "Asus ROG Phone 3" (the "Accused
6 Product"), that enables a method for obtaining radio access network information. For example, the
7 Accused Product will comply with and use the 5G standard. The 5G standard dictates a method
8 for obtaining radio access network information. A non-limiting and exemplary claim chart
9 comparing the Accused Product to Claim 1 of the '467 Patent is attached hereto as Exhibit B and
10 incorporated herein as if fully rewritten.

11
12 17. As recited in Claim 1, upon information and belief and in at least testing and usage,
13 the Accused Product will comply with and use the 5G standard which dictates, receiving, by a
14 second radio access network controller (e.g., eNB), first radio access network information request
15 information (e.g. NAS message transport and/or Unified Access Control via X2) from a first radio
16 access network controller (e.g., en-gB). *See* Exhibit B.

17
18 18. As recited in one step of Claim 1, upon information and belief, and in at least testing
19 and usage, the Accused Product will comply with and use the 5G standard which dictates, receiving,
20 by a second radio access network controller (e.g., eNB), first radio access network information
21 request information (e.g., NAS Message transport and/or Unified Access Control via X2) from a
22 first radio access network controller (e.g., en-gB). *See* Exhibit B.

23
24 19. As recited in another step of Claim 1, upon information and belief, and in at least
25 testing and usage, the Accused Product will comply with and use the 5G standard which dictates,
26 a first radio access network controller (e.g., en-gNB) that is an access network node of a first radio
27 access network standard (e.g., 5G network standard). *See* Exhibit B.

1 25. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing
2 the '046 Patent.

3 26. Defendant has had knowledge of infringement of the '467 Patent at least as of the
4 service of the present Complaint.

5 27. Defendant has directly infringed and continues to directly infringe at least one
6 claim of the '467 Patent by using, at least through internal testing or otherwise, the Accused Product
7 without authority in the United States, and will continue to do so unless enjoined by this Court.
8 As a direct and proximate result of Defendant's direct infringement of the '046 Patent, Plaintiff
9 has been and continues to be damaged.
10

11 28. By engaging in the conduct described herein, Defendant has injured Plaintiff and is
12 thus liable for infringement of the '467 Patent, pursuant to 35 U.S.C. § 271.

13 29. Defendant has committed these acts of infringement without license or
14 authorization.
15

16 30. As a result of Defendant's infringement of the '467 Patent, Plaintiff has suffered
17 monetary damages and is entitled to a monetary judgment in an amount adequate to compensate
18 for Defendant's past infringement, together with interests and costs.
19

20 31. Plaintiff will continue to suffer damages in the future unless Defendant's infringing
21 activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for any
22 continuing and/or future infringement up until the date that Defendant is finally and permanently
23 enjoined from further infringement.
24

25 32. Plaintiff reserves the right to modify its infringement theories as discovery
26 progresses in this case; it shall not be estopped for infringement contention or claim construction
27 purposes by the claim charts that it provides with this Complaint. The claim chart depicted in
28

1 Exhibit B is intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil
2 Procedure and does not represent Plaintiff's preliminary or final infringement contentions or
3 preliminary or final claim construction positions.
4

5 **DEMAND FOR JURY TRIAL**

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

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff prays for the following relief:

9 a. That Defendant be adjudged to have directly infringed the '467 Patent either
10 literally or under the doctrine of equivalents;
11

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

14 c. That Defendant, its officers, directors, agents, servants, employees, attorneys,
15 affiliates, divisions, branches, parents, and those persons in active concert or participation with
16 any of them, be permanently restrained and enjoined from directly infringing the '467 Patent;

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

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

24 f. That Defendant be directed to pay enhanced damages, including Plaintiff's
25 attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285; and
26
27
28

1 g. That Plaintiff be granted such other and further relief as this Court may deem just
2 and proper.

3 Dated: January 30, 2021

Respectfully submitted,

4 INSIGHT, PLC

5 /s/ Steven W. Ritcheson

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19 ATTORNEYS FOR PLAINTIFF