

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

**DECATUR LICENSING LLC,**

Plaintiff,

v.

**LINKSYS USA, INC.,**

Defendant.

Civil Action No.:

**TRIAL BY JURY DEMANDED**

**COMPLAINT FOR INFRINGEMENT OF PATENT**

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

**NATURE OF THE ACTION**

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 United States Code (“U.S.C.”) to prevent and enjoin Defendant Linksys USA, Inc. (hereinafter “Defendant”), from infringing and profiting, in an illegal and unauthorized manner, and without authorization and/or consent from Plaintiff from U.S. Patent No. 9,706,476 (the “476 Patent” or the “Patent-in-Suit”), which is attached hereto as Exhibit A and incorporated herein by reference, and pursuant to 35 U.S.C. §271, and to recover damages, attorney’s fees, and costs.

**THE PARTIES**

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

3. Upon information and belief, Defendant is a corporation organized under the laws of Delaware, having a principal place of business at 121 Theory Drive, Irvine, California 92617.

Upon information and belief, Defendant may be served with process c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

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

#### **JURISDICTION AND VENUE**

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 of the injury to Plaintiff, and the cause of action 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) at least a portion of the infringements alleged herein; (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 Delaware and in this judicial District; and (iii) being incorporated 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 under the Supreme Court’s opinion in *TC Heartland v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017) through its incorporation, and regular and established place of business in this District.

**FACTUAL ALLEGATIONS**

10. On July 11, 2017, the United States Patent and Trademark Office (“USPTO”) duly and legally issued the ‘476 Patent, entitled “METHOD FOR OBTAINING RADIO ACCESS NETWORK INFORMATION AND RADIO ACCESS NETWORK CONTROLLER” after a full and fair examination. The ‘476 Patent is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

11. Plaintiff is presently the owner of the ‘476 Patent, having received all right, title and interest in and to the ‘476 Patent from the previous assignee of record. Plaintiff possesses all rights of recovery under the ‘476 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 ‘476 Patent comprises a method for obtaining radio access network information.

14. Claim 1 of the ‘476 Patent states:

“1. A method for obtaining radio access network information, comprising:

receiving, by a second radio access network controller, first radio access network information request information from a first radio access network controller, providing a first radio access network controller that is an access network node of a first radio access network standard; providing target radio access network information that is radio access network information of a third radio access network controller, the third radio access network controller being an access network node of a second radio access network standard; using the first radio access network information request information to request the target radio access network information by using a first core network node of the second radio access network standard, or by using a second core network node of the first radio access network standard and the first core network node of the second radio access network standard; and sending, by the second radio access network controller, the target radio access network information to the first radio access network controller.” See Exhibit A.

15. Further, these specific elements also accomplish these desired results to overcome the then existing problems in the relevant field of network communication systems. *Ancora Technologies, Inc. v. HTC America, Inc.*, 908 F.3d 1343, 1348 (Fed. Cir. 2018) (holding that improving computer security can be a non-abstract computer-functionality improvement if done by a specific technique that departs from earlier approaches to solve a specific computer problem). See also *Data Engine Techs. LLC v. Google LLC*, 906 F.3d 999 (Fed. Cir. 2018); *Core Wireless Licensing v. LG Elecs., Inc.*, 880 F.3d 1356 (Fed. Cir. 2018); *Finjan, Inc. v. Blue Coat Sys., Inc.*, 879 F.3d 1299 (Fed. Cir. 2018); *Uniloc USA, Inc. v. LG Electronics USA, Inc.*, 957 F.3d 1303 (Fed. Cir. April 30, 2020)

16. Claims need not articulate the advantages of the claimed combinations to be eligible. *Uniloc USA, Inc. v. LG Elecs. USA, Inc.*, 957 F.3d 1303, 1309 (Fed. Cir. 2020).

17. Based on the allegations, it must be accepted as true at this stage, that Claim 21 of the ‘476 Patent recites a specific, plausibly inventive way of a method to perform an action that is related to controlling a third device based on the received one or more messages. *Cellspin Soft, Inc. v. Fitbit, Inc.*, 927 F.3d 1306, 1319 (Fed. Cir. 2019), *cert. denied sub nom. Garmin USA, Inc. v. Cellspin Soft, Inc.*, 140 S. Ct. 907, 205 L. Ed. 2d 459 (2020).

18. Defendant commercializes, inter alia, methods that perform all the steps recited in at least one claim of the ‘476 Patent. More particularly, Defendant commercializes, inter alia, methods that perform all the steps recited in Claim 1 of the ‘476 Patent. Specifically, Defendant makes, uses, sells, offers for sale, or imports a method that encompasses that which is covered by Claim 1 of the ‘476 Patent.

### **DEFENDANT’S PRODUCTS**

19. Defendant offers solutions, such as the “Linksys 5G (FGHSAX1800)” (the “Accused Product”),<sup>1</sup> that enables a method for obtaining radio access network information. For example, the Accused Product will comply with and use the 5G standard. The 5G standard dictates a method for obtaining radio access network information. A non-limiting and exemplary claim chart comparing the Accused Product to Claim 1 of the ‘476 Patent is attached hereto as Exhibit B and incorporated herein as if fully rewritten.

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

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<sup>1</sup> The Accused Product is just one of the products provided by Defendant, and Plaintiff’s investigation is on-going to additional products to be included as an Accused Instrumentality that may be added at a later date.

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

22. As recited in another step of Claim 1, upon information and belief and in at least testing and usage, the Accused Product will comply with and use the 5G standard which dictates, providing target radio access network information (e.g., S1 to eNB received from S-GW) that is radio access network information of a third radio access network controller (e.g., S-GW), the third radio access network controller being an access network node of a second radio access network standard (e.g., LTE). *See Exhibit B.*

23. As recited in another step of Claim 1, upon information and belief and in at least testing and usage, the Accused Product will comply with and use the 5G standard which dictates, using the first radio access network information request information (as above) to request the target radio access network information by using a first core network node (e.g., S1 to the MME) of the second radio access network standard (e.g., LTE). *See Exhibit B.*

24. As recited in another step of Claim 1, upon information and belief and in at least testing and usage, the Accused Product will comply with and use the 5G standard which dictates, sending, by the second radio access network controller (e.g., eNB), the target radio access network information (e.g., X2 to en-gNB) to the first radio access network controller (e.g., en-gNB). *See Exhibit B.*

25. The elements described in paragraphs 16-24 are covered by at least Claim 1 of the '476 Patent. Thus, Defendant's use of the Accused Product is enabled by the method described in the '476 Patent.

**INFRINGEMENT OF THE '476 PATENT**

26. Plaintiff realleges and incorporates by reference all of the allegations set forth in the preceding Paragraphs.

27. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing the '476 Patent.

28. Defendant has had knowledge of infringement of the '476 Patent at least as of the service of the present Complaint.

29. Defendant has directly infringed and continues to directly infringe at least one claim of the '476 Patent by using, at least through internal testing or otherwise, the Accused Product without authority in the United States, and will continue to do so unless enjoined by this Court. As a direct and proximate result of Defendant's direct infringement of the '476 Patent, Plaintiff has been and continues to be damaged.

30. By engaging in the conduct described herein, Defendant has injured Plaintiff and is thus liable for infringement of the '476 Patent, pursuant to 35 U.S.C. § 271.

31. Defendant has committed these acts of infringement without license or authorization.

32. As a result of Defendant's infringement of the '476 Patent, Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

33. Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court. As such, Plaintiff is entitled to compensation for

any continuing and/or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement.

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

**DEMAND FOR JURY TRIAL**

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

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

a. That Defendant be adjudged to have directly infringed the '476 Patent either literally or under the doctrine of equivalents;

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

c. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly infringing the '476 Patent;

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



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

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

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

Dated: May 26, 2021

Respectfully submitted,

Together with:

CHONG LAW FIRM PA

SAND, SEBOLT & WERNOW CO., LPA

/s/ Jimmy Chong

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(*pro hac vice forthcoming*)

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