

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

Crimson IP LLC, Plaintiff, v. IDEMIA Identity & Security USA, LLC, Defendant.	Case No. 1:21-cv-00931-RGA Patent Case Jury Trial Demanded
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AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Crimson IP LLC (“Plaintiff”), through its attorneys, files this amended complaint against IDEMIA Identity & Security USA, LLC (“Defendant”), and alleges the following:

PARTIES

1. Plaintiff Crimson IP LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 3571 Far West Blvd #3017, Austin, TX 78731.

2. Defendant IDEMIA Identity & Security USA, LLC is an entity organized and existing under the laws of Delaware that maintains an established place of business at 5515 E La Palma Ave 100, Anaheim, CA 92807. Defendant can be served through its registered agent, The Corporation Service Company, at 251 Little Falls Drive, Wilmington, New Castle, DE, 19808.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities in this District and is incorporated in this District's state. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has committed acts of patent infringement in this District and is incorporated in this District's state.

PATENT-IN-SUIT

7. Plaintiff is the assignee of all right, title and interest in United States Patent No. 8,868,070 (the "Patent-in-Suit" or the "'070 Patent"); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

THE '070 PATENT

8. The '070 Patent is entitled "Method of and architecture for a virtual wireless network," and issued October 21, 2014. The application leading to the '070 Patent was filed on March 16, 2007. A true and correct copy of the '070 Patent is attached hereto as Exhibit 1 and is incorporated herein by reference.

9. The '070 Patent is valid and enforceable.

10. The invention claimed in the ‘070 Patent comprises an inventive, non-abstract “method of, and architecture for, viral wireless networks interfacing and interconnecting with wireless networks and public access networks.” Ex. 1, 1:14-17.

11. The ‘070 Patent solved a problem in the prior art of users of a virtual wireless network not being able to choose a desired call route to make outgoing calls. Virtual wireless networks maintain a “Home Location Register (HLR), the billing system and the radio infrastructure of the wireless network but retaining the ability to bill their own customers directly.” The ‘070 Patent describes the problems associated with traditional HLR’s: “Different types of calls, initiated by wireless devices can be restricted for some or most outgoing traffic types; for example, voice and data calls, as well as internet web browsing, can be restricted by the call tariffs made available by the wireless network that is subscribed to. These wireless networks could be operated by a traditional wireless network operator or a virtual network operator. The restrictions can even limit which web servers the user is actually allowed to access; in most or all cases the restrictions will limit the users in their home country to only one wireless network, i.e. the home wireless network to which the user is subscribed to or its associated virtual wireless network.” *Id.* at 1:47-58. “A Home Location Register (HLR) is a database that is, conventionally, owned and maintained by a wireless network operator. It contains mobile subscriber information for all subscribers to that operator. HLR subscriber information includes the International Mobile Subscriber Identity (IMSI), service Subscription information, location information (the identity of the currently serving Visitor Location Register (VLR) to enable the routing of mobile-terminated calls), service restrictions and Supplementary services information. The HLR also initiates transactions with VLRs to complete incoming calls and to update Subscriber data.” *Id.* at 2:19-29.

12. This computer centric problem or persisted “because mobile network operators have little economic incentive to provide end-users with the freedom to choose the cheapest network for each call set-up route for any outgoing traffic, such as outgoing-SMS, -voice call, -data call. In fact, they have every economic incentive to make this very difficult. One mechanism that entrenches the network operators ability to restrict such freedom is the fact that every network operator in effect has considerable control over each subscriber because each subscriber with a particular network operator has to be registered in the home location register (HLR) of that operator in order to receive service. The ownership and control that a network operator has over its HLR constitutes a major entry barrier to competitors, especially virtual wireless network operators, seeking to offer lower cost services” *Id.* at 2:2-16.

13. The ‘070 Patent teaches the solution of “a method that gives users, in particular those users of wireless devices subscribed to a specific wireless network or virtual wireless network in their home country, a choice of the call set-up route(s), and also gives a choice of viewing any desired web server or web-page, and also users to initiate outgoing calls at the tariff of their choice and through any of the wireless network(s) available in their home country (as well as abroad when roaming outside of their home country).” 1:59-62.

14. To accomplish this solution the inventors of the ‘070 Patent invented a server that is part of a virtual cellular wireless network “wherein the server forming part of the virtual cellular wireless network is configured to manage remotely the selection of an appropriate International Mobile Subscriber Identity (“IMSI) on a cellular wireless device with two or more IMSIs when the subscriber operates the cellular wireless device with two or more IMSIs.”

15. By having multiple IMSI's and configuring the server manage IMSI's using an HLR (such as to choose the IMSI which would result in the cheapest charges for the wireless device user) the '070 accomplishes the solution of providing wireless device users with a choice of the call set-up route for any outgoing call thus solving a computer centric problem.

COUNT 1: INFRINGEMENT OF THE '070 PATENT

16. Plaintiff incorporates the above paragraphs herein by reference.

17. **Direct Infringement.** Defendant has directly infringed at least claim 1 of the '070 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the "Exemplary Defendant Products") that infringe at least claim 1 of the '070 Patent also identified in the charts incorporated into this Count below literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe at least claim 1 of the '070 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

18. Defendant also has directly infringed, literally or under the doctrine of equivalents, at least claim 1 of the '070 Patent Claims, by having its employees internally test and use these Exemplary Products.

19. Exhibit 2 includes charts comparing claim 1 of the '070 Patent to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the '070 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of at least claim 1 of the '070 Patent.

20. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

21. Plaintiff is entitled to recover damages adequate to compensate for Defendants infringement.

22. **Induced Infringement.** Defendant actively, knowingly, and intentionally has been and continues to induce infringement of the '070 Patent since at least the date of the filing of Plaintiff's Original Complaint, literally or by the doctrine of equivalents, by selling Exemplary Defendant Products to their customers for use in end-user products in a manner that infringes one or more claims of the '070 Patent.

23. **Contributory Infringement.** Defendant actively, knowingly, and intentionally has been and continues materially contribute to their own customers' infringement of the '070 Patent since at least the date of the filing of Plaintiff's Original Complaint, literally or by the doctrine of equivalents, by selling Exemplary Defendant Products to their customers for use in end-user products in a manner that infringes one or more claims of the '070 Patent. Moreover, the Exemplary Defendant Products are not a staple article of commerce suitable for substantial noninfringing use.

24. Exhibit 2 includes charts comparing the Exemplary '070 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the '070 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary '070 Patent Claims.

25. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

26. Plaintiff is entitled to recover damages adequate to compensate for Defendant's infringement.

JURY DEMAND

27. Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

- A. A judgment that the '070 Patent is valid and enforceable
- B. A judgment that Defendant has infringed, contributorily infringed, and/or induced infringement of at least claim 1 of the '070 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Plaintiff all appropriate damages under 35 U.S.C. § 284 for Defendants past infringement with respect to the '070 Patent.
- E. And, if necessary, to adequately compensate Plaintiff for Defendants infringement, an accounting:
 - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Plaintiff be awarded its reasonable attorneys fees against Defendant that it incurs in prosecuting this action;
 - ii. that Plaintiff be awarded costs, and expenses that it incurs in prosecuting this action; and
 - iii. that Plaintiff be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: September 7, 2021

Respectfully submitted,

CHONG LAW FIRM PA

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