

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

SISVEL INTERNATIONAL S.A.,  
3G LICENSING S.A. and SISVEL S.p.A.

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

**Civil Action No.**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Sisvel International S.A., 3G Licensing S.A., and Sisvel S.p.A. (collectively, “Plaintiffs”), for their Complaint against Defendant Ford Motor Company (“Ford” or “Defendant”), allege the following:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

**THE PARTIES**

2. Sisvel International S.A. (“Sisvel”) is an entity organized under the laws of Luxembourg with a place of business at 6, Avenue Marie Thérèse, 2132 Luxembourg, Grand Duchy of Luxembourg.

3. 3G Licensing S.A. (“3G Licensing”) is also an entity organized under the laws of Luxembourg with a place of business at 6, Avenue Marie Thérèse, 2132 Luxembourg, Grand Duchy of Luxembourg.

4. Sisvel S.p.A. (“Sisvel S.p.A.”) is an entity organized under the laws of Italy with a place of business at Via Sestriere 100, 10060 None (TO) Italy. “Sisvel” is an acronym for “Società Italiana per lo Sviluppo Dell’Elettronica.”

5. Founded in Italy in 1982, Sisvel is a world leader in fostering innovation and managing intellectual property. Sisvel works with its partners offering a comprehensive approach to patent licensing: from issuing initial calls for essential patents; facilitating discussions among stakeholders; developing multiparty license agreements; executing and administering licenses; to collecting and distributing royalties. At the same time, Sisvel actively promotes a culture of respect and understanding of the intellectual property and innovation ecosystem through, for example, its regular presence at the key consumer electronics trade fairs and intellectual property events, participation in policy discussions and conferences, as well as open dialogues with a number of government bodies, standard-setting organizations and industry associations.

6. In early 2016, Sisvel initiated licensing activities in North America via its U.S. subsidiary, Sisvel US Inc.

7. A subsidiary of Sisvel founded in 2015, 3G Licensing, is an intellectual property company operating in the consumer electronics and telecommunications industry. The company is composed of specialists with an extensive experience in administering licensing programs on behalf of third-party companies and organizations.

8. A subsidiary of Sisvel founded in 1982, Sisvel S.p.A., is an intellectual property company operating primarily in areas of wireless communication, audio/video coding/decoding, digital video display, and broadband technology. The company is composed of specialists with extensive experience to support Sisvel’s efforts in licensing programs and patent pools, primarily on behalf of third-party companies and organizations.

9. Upon information and belief, Defendant Ford is a Delaware company having its principal place of business at 1 American Road, Ford World Headquarters, Dearborn, Michigan 48126.

10. Defendant maintains a registered agent for service of process in Delaware at Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Defendant sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that enter into the stream of commerce and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

#### **JURISDICTION AND VENUE**

11. This Court has jurisdiction over the subject matter jurisdiction of this case under 28 U.S.C. §§ 1331 (federal question) and 1338(a) (patent law – 35 U.S.C. § 101, *et seq.*).

12. This Court has personal jurisdiction over Defendant, because Defendant has sufficient minimum contacts within the State of Delaware and this District, pursuant to due process and/or the Del. Code. Ann. Tit. 3, § 3104, as Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware by regularly conducting and soliciting business within the State of Delaware and within this District, and because Plaintiffs' causes of action arise directly from Defendant's business contacts and other activities in the State of Delaware and this District. Further, this Court has personal jurisdiction over Defendant, because it is incorporated in the State of Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

13. Venue is proper in this judicial district under 28 U.S.C. § 1400(b) because Defendant has committed acts of infringement in this District as Defendant is incorporated in the State of Delaware.

**ACCUSED INSTRUMENTALITIES**

14. Defendant makes, uses, sells and offers for sale, provides, and causes to be used, now and within the past six years, SYNC<sup>®</sup> Connect, FordPass SmartLink and FordPass Connect among other such products. (Collectively “Accused Instrumentalities”.)

15. Defendant advertises the SYNC<sup>®</sup> Connect product is compliant with the 4G cellular network standards. (*See, e.g.*, product information for the SYNC<sup>®</sup> Connect, attached hereto as Exhibit 1.)

16. Defendant advertises the FordPass SmartLink product is compliant with the 4G cellular network standards. (*See e.g.*, product information for the FordPass SmartLink, attached hereto as Exhibit 2.)

17. Defendant advertises the FordPass Connect product is compliant with the 4G cellular network standards. (*See e.g.*, product information for the FordPass Connect, attached hereto as Exhibit 3.)

18. Each of the Accused Instrumentalities are incorporated into one or more of the vehicles Defendant manufactures, offers for sale and sells.

**BACKGROUND**

19. Plaintiffs is the owner by assignment of a portfolio of patents, including the patents described in detail in the counts below (collectively, the “Asserted Patents”), that relate to technology for cellular communications networks, including variations or generations of cellular communication network technology such as, but not limited to 3G, and 4G.

20. Cellular communication network technology is used to provide data transmission across mobile cellular networks.

21. U.S. Patent Nos. 7,751,803 (“the ’803 patent”) and 7,894,443 (“the ’443 patent”) were assigned to Nokia Corporation either directly from the inventors or through mergers. In 2011

the '803 and the '443 patents were assigned to a trust by Nokia Corporation. On April 10, 2012, Sisvel obtained ownership of the '803 and the '443 patents.

22. U.S. Patent No. 7,979,070 (“the '070 patent”) was assigned to Nokia Corporation either directly from the inventors or through mergers. In 2011 the '070 patent was assigned to a trust by Nokia Corporation. On April 10, 2012, Sisvel obtained ownership of the '070 patent.

23. U.S. Patent No. 8,600,383 (“the '383 patent”) was assigned to Research in Motion Ltd. from the inventors. Research in Motion Ltd. changed its name to Blackberry, Ltd. in 2013. On November 16, 2018, the '383 patents were assigned to Provenance Asset Group LLC from Blackberry, Ltd. On April 5, 2019, Sisvel obtained ownership of the '383 patents from Provenance Asset Group LLC. On July 11, 2019, Sisvel assigned the '383 patents to 3G Licensing.

24. U.S. Patent No. 8,971,279 (“the '279 patent”) was assigned to LG Electronics Inc. from the inventors. On March 28, 2014, the '279 patents was assigned to Thomson Licensing SAS from LG Electronics. On September 23, 2019, Sisvel S.p.A. obtained ownership of the '279 patent from Thomson Licensing SAS.

25. Sisvel, 3G Licensing and Sisvel S.p.A. are the rightful owners of the Asserted Patents and hold the entire right, title and interest in the Asserted Patents.

26. Sisvel sent its first correspondence to Ford on January 6, 2017, offering a license for patents owned and/or managed by Sisvel that are essential to cellular standards including 3G technology. The January 6, 2017, letter included a link to materials on Sisvel’s website which identified its 3G standard patents.

27. Sisvel and Ford engaged in additional correspondence through October 31, 2018. On October 31, 2018, Sisvel sent Ford an email again offering to license Sisvel’s 3G and 4G patents. Attached to the email was a letter introducing the 3G and 4G patents to be license. The

letter contained links to brochures which listed information about the '803, '443, '070, '383, and '279 patents. The email also included a description of the Sisvel's license program for its 3G and 4G standard essential patents, and a draft non-disclosure agreement.

28. On June 26, 2019, Sisvel sent another correspondence introducing additional patent portfolios to be licensed. The correspondence listed again directed Ford to the 3G and 4G brochures which listed information about the '803, '443, '070, '383, and '279 patents as well as specifically listing the '803, '443, '070, '383, and '279 patents in the correspondence. The correspondence also discussed that the FordPass Smartlink and FordPass Connect are infringing the offered patents.

29. After additional attempts to enter into a license, Sisvel sent another correspondence on June 21, 2021 which included a copy of Sisvel's Master Agreement which listed, among others, the '803, '443, '070, '383, and '279 patents. The correspondence also included Sisvel's 3G and 4G brochures listing the '803, '443, '070, '383, and '279 patents.

30. Following the June 21, 2021 letter, Sisvel and Ford exchanged additional correspondence regarding Sisvel's patent portfolio. Despite Sisvel's continuous efforts over more than one year and numerous demonstrations of infringement, Ford refused to take a license to Sisvel's patents.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,751,803**

31. The allegations set forth in the foregoing paragraphs 1 through 30 are incorporated into this First Claim for Relief.

32. On July 6, 2010, the '803 patent, entitled "Method and Arrangement For Optimizing the Re-Establishment of Connections In a Cellular Radio System Supporting Real Time and Non-Real Time Communications" was duly and legally issued by the United States Patent and Trademark Office from a patent application filed on February 22, 2001, and claims

priority to foreign patent applications filed on February 24, 2000 and March 24, 2000. A true and correct copy of the '803 patent is attached as Exhibit 4.

33. Plaintiff Sisvel is the assignee and owner of the right, title and interest in and to the '803 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

34. The '803 patent relates to a system and method that Plaintiffs believe is essential under the 3G cellular standard as explained in attached Exhibit 5. Thus, Defendant's Accused Instrumentalities necessarily infringing the '803 patent

35. Defendant was made aware of the '803 patent and its infringement thereof by correspondence from Plaintiffs as late as October 31, 2018, as discussed in paragraph 26 above.

36. Defendant was further made aware of the '803 patent and its infringement thereof at least as early as the date of filing of this Complaint.

37. Upon information and belief, Defendant has and continue to directly infringe at least claim 17 of the '803 patent by making, using, selling, importing, offering for sale, providing, practicing, and causing the Accused Instrumentality that infringe the patented methods.

38. Upon information and belief, these Accused Instrumentality are used, marketed, provided to, and/or used by or for the Defendant's partners, clients, customers/subscribers and end users across the country and in this District.

39. Upon information and belief, Defendant has induced and continues to induce others to infringe at least claim 17 of the '803 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including, but not limited to Defendant's partners, clients, customers/subscribers, and end users,

whose use of the Accused Instrumentality constitutes direct infringement of at least one claim of the '803 patent.

40. In particular, the Defendant's actions that aid and abet others such as its partners, customers/subscribers, clients, and end users to infringe include advertising and distributing the Accused Instrumentality and providing instruction materials, training, and services regarding the Accused Instrumentality.

41. Any party, including Defendant's partners, clients, customers/subscribers, and end users, using the Accused Instrumentalities necessarily infringes the '803 patent because the invention of the '803 patent is required to comply with the relevant cellular standard. Defendant advertises its Accused Instrumentalities as compliant with the relevant cellular standard, which induces others to infringe the '803 patent. Defendant has knowingly induced infringement since at least October 31, 2018, when Defendant was first made aware of the '803 patent during extensive correspondence with Plaintiffs as discussed in paragraphs 25-29 above.

42. Upon information and belief, the Defendant are liable as a contributory infringer of the '803 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Accused Instrumentality that infringe the patented methods, to be especially made or adapted for use in an infringement of the '803 patent. Each of the Accused Instrumentality is a material component for use in practicing the '803 patent and is specifically made and are not a staple article of commerce suitable for substantial non-infringing use. In particular, each Accused Instrumentality is advertised to be compliant with the relevant standard and primarily used in compliance with that standard.

Plaintiffs have been harmed by Defendant's infringing activities.

**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 7,894,443**

43. The allegations set forth in the foregoing paragraphs 1 through 42 are incorporated into this Second Claim for Relief.

44. On February 22, 2011, the '443 patent, entitled "Radio Link Control Unacknowledged Mode Header Optimization" was duly and legally issued by the United States Patent and Trademark Office from a patent application filed on August 23, 2006, and claims priority to provisional patent application No. 60/710,193 filed on August 23, 2005. A true and correct copy of the '443 patent is attached as Exhibit 6.

45. Plaintiff Sisvel is the assignee and owner of the right, title and interest in and to the '443 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

46. The '443 patent relates to a system and method that Plaintiffs believe is essential under the 3G cellular standard as explained in attached Exhibit 7. Thus, Defendant's Accused Instrumentalities necessarily infringing the '443 patent

47. Defendant was made aware of the '443 patent and its infringement thereof by correspondence from Plaintiffs on October 31, 2018, as discussed in paragraph 26 above.

48. Defendant was further made aware of the '803 patent and its infringement thereof at least as early as the date of filing of this Complaint.

49. Upon information and belief, Defendant has and continue to directly infringe at least claim 16 of the '443 patent by making, using, selling, importing, offering for sale, providing, practicing, and causing the Accused Instrumentality that infringe the patented methods.

50. Upon information and belief, these Accused Instrumentality are used, marketed, provided to, and/or used by or for the Defendant's partners, clients, customers/subscribers and end users across the country and in this District.

51. Upon information and belief, Defendant has induced and continues to induce others to infringe at least claim 16 of the '443 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including, but not limited to Defendant's partners, clients, customers/subscribers, and end users, whose use of the Accused Instrumentality constitutes direct infringement of at least one claim of the '443 patent.

52. In particular, the Defendant's actions that aid and abet others such as its partners, customers/subscribers, clients, and end users to infringe include advertising and distributing the Accused Instrumentality and providing instruction materials, training, and services regarding the Accused Instrumentality.

53. Any party, including Defendant's partners, clients, customers/subscribers, and end users, using the Accused Instrumentalities necessarily infringes the '443 patent because the invention of the '443 patent is required to comply with the relevant cellular standard. Defendant advertises its Accused Instrumentalities as compliant with the relevant cellular standard, which induces others to infringe the '443 patent. Defendant has knowingly induced infringement since at least October 31, 2018, when Defendant was first made aware of the '443 patent during extensive correspondence with Plaintiffs as discussed in paragraphs 25-29 above.

54. Upon information and belief, the Defendant are liable as a contributory infringer of the '443 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Accused Instrumentality that infringe the patented methods, to be especially made or adapted for use in an infringement of the '443 patent. Each of the Accused Instrumentality is a material component for use in practicing the '443 patent and is specifically made and are not a staple article of commerce suitable for substantial non-infringing use. In particular, each Accused

Instrumentality is advertised to be compliant with the relevant standard and primarily used in compliance with that standard.

55. Plaintiffs have been harmed by Defendant's infringing activities.

**COUNT III – INFRINGEMENT OF U.S. PATENT NO. 7,979,070**

56. The allegations set forth in the foregoing paragraphs 1 through 55 are incorporated into this Third Claim for Relief.

57. On July 12, 2011, the '070 patent, entitled "Mobile Equipment for Sending an Attach Request to a Network" was duly and legally issued the United States Patent and Trademark Office from Patent Application No. 12/232,724 filed on September 23, 2008. The '070 patent claims priority to U.S. Patent No. 7,035,621 filed on October 13, 2000. A true and correct copy of the '070 patent is attached as Exhibit 8.

58. Plaintiff Sisvel is the assignee and owner of the right, title and interest in and to the '070 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

59. The '070 patent relates to a system and method that Plaintiffs believe is essential under the 4G cellular standard as explained in attached Exhibit 9. Thus, Defendant's Accused Instrumentalities necessarily infringing the '443 patent

60. Defendant was made aware of the '070 patent and its infringement thereof by correspondence from Plaintiffs on October 31, 2018, as discussed in paragraph 26 above.

61. Defendant was further made aware of the '070 patent and its infringement thereof at least as early as the date of filing of this Complaint.

62. Upon information and belief, Defendant has and continue to directly infringe at least claims 1, 2 and/or 5 of the '070 patent by making, using, selling, importing, offering for sale, providing, practicing, and causing the Accused Instrumentality that infringe the patented methods.

63. Upon information and belief, these Accused Instrumentality are used, marketed, provided to, and/or used by or for the Defendant's partners, clients, customers/subscribers and end users across the country and in this District.

64. Upon information and belief, Defendant has induced and continues to induce others to infringe at least claims 1, 2 and/or 5 of the '070 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including, but not limited to Defendant's partners, clients, customers/subscribers, and end users, whose use of the Accused Instrumentality constitutes direct infringement of at least one claim of the '070 patent.

65. In particular, the Defendant's actions that aid and abet others such as its partners, customers/subscribers, clients, and end users to infringe include advertising and distributing the Accused Instrumentality and providing instruction materials, training, and services regarding the Accused Instrumentality.

66. Any party, including Defendant's partners, clients, customers/subscribers, and end users, using the Accused Instrumentalities necessarily infringes the '070 patent because the invention of the '070 patent is required to comply with the relevant cellular standard. Defendant advertises its Accused Instrumentalities as compliant with the relevant cellular standard, which induces others to infringe the '070 patent. Defendant has knowingly induced infringement since at least October 31, 2018, when Defendant was first made aware of the '070 patent during extensive correspondence with Plaintiffs as discussed in paragraphs 25-29 above.

67. Upon information and belief, the Defendant are liable as a contributory infringer of the '070 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Accused Instrumentality that infringe the patented methods, to be especially made or

adapted for use in an infringement of the '070 patent. Each of the Accused Instrumentality is a material component for use in practicing the '070 patent and is specifically made and are not a staple article of commerce suitable for substantial non-infringing use. In particular, each Accused Instrumentality is advertised to be compliant with the relevant standard and primarily used in compliance with that standard.

68. Plaintiffs have been harmed by Defendant's infringing activities.

**COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 8,600,383**

69. The allegations set forth in the foregoing paragraphs 1 through 68 are incorporated into this Fourth Claim for Relief.

70. On December 3, 2013, the '383 patent, entitled "Apparatus and Method for Making Measurements in Mobile Telecommunications System User Equipment" was duly and legally issued by the United States Patent and Trademark Office from Patent Application No. 13/617,241 filed on September 24, 2012. The '383 patent claims priority to U.S. Patent No. 7,463,887 filed on August 18, 2004. A true and correct copy of the '383 patent is attached as Exhibit 10.

71. Plaintiff 3G Licensing is the assignee and owner of the right, title and interest in and to the '383 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

72. The '070 patent relates to a system and method that Plaintiffs believe is essential under the 4G cellular standard as explained in attached Exhibit 11. Thus, Defendant's Accused Instrumentalities necessarily infringing the '443 patent

73. Defendant was made aware of the '383 patent and its infringement thereof by correspondence from Plaintiffs on October 31, 2018, as discussed in paragraph 26 above.

74. Defendant was further made aware of the '383 patent and its infringement thereof at least as early as the date of filing of this Complaint.

75. Upon information and belief, Defendant has and continue to directly infringe at least claims 1, 9, 17, 25, 49, 58, 66, 74, 82, and/or 90 of the '383 patent by making, using, selling, importing, offering for sale, providing, practicing, and causing the Accused Instrumentality that infringe the patented methods.

76. Upon information and belief, these Accused Instrumentality are used, marketed, provided to, and/or used by or for the Defendant's partners, clients, customers/subscribers and end users across the country and in this District.

77. Upon information and belief, Defendant has induced and continues to induce others to infringe at least claims 1, 9, 17, 25, 49, 58, 66, 74, 82, and/or 90 of the '383 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including, but not limited to Defendant's partners, clients, customers/subscribers, and end users, whose use of the Accused Instrumentality constitutes direct infringement of at least one claim of the '383 patent.

78. In particular, the Defendant's actions that aid and abet others such as its partners, customers/subscribers, clients, and end users to infringe include advertising and distributing the Accused Instrumentality and providing instruction materials, training, and services regarding the Accused Instrumentality.

79. Any party, including Defendant's partners, clients, customers/subscribers, and end users, using the Accused Instrumentalities necessarily infringes the '383 patent because the invention of the '383 patent is required to comply with the relevant cellular standard. Defendant advertises its Accused Instrumentalities as compliant with the relevant cellular standard, which induces others to infringe the '383 patent. Defendant has knowingly induced infringement since

at least October 31, 2018, when Defendant was first made aware of the '383 patent during extensive correspondence with Plaintiffs as discussed in paragraphs 25-29 above.

80. Upon information and belief, the Defendant are liable as a contributory infringer of the '383 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Accused Instrumentality that infringe the patented methods, to be especially made or adapted for use in an infringement of the '383 patent. Each of the Accused Instrumentality is a material component for use in practicing the '383 patent and is specifically made and are not a staple article of commerce suitable for substantial non-infringing use. In particular, each Accused Instrumentality is advertised to be compliant with the relevant standard and primarily used in compliance with that standard.

81. Plaintiffs have been harmed by Defendant's infringing activities.

**COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 8,971,279**

82. The allegations set forth in the foregoing paragraphs 1 through 81 are incorporated into this Fourth Claim for Relief.

83. On March 3, 2015, the '279 patent, entitled "Method and Apparatus for Indicating Deactivation of Semi-Persistent Scheduling" was duly and legally issued by the United States Patent and Trademark Office from Patent Application No. 13/791,421 filed on March 8, 2013. The '279 patent claims priority to U.S. Provisional Patent Application Nos. 61/114,440 filed on November 13, 2008, and 61/119,375 filed on December 3, 2008. A true and correct copy of the '279 patent is attached as Exhibit 12.

84. Plaintiff Sisvel S.p.A. is the assignee and owner of the right, title and interest in and to the '279 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

85. The '279 patent relates to a system and method that Plaintiffs believe is essential under the 4G cellular standard as explained in attached Exhibit 13. Thus, Defendant's Accused Instrumentalities necessarily infringing the '279 patent

86. Defendant was made aware of the '279 patent and its infringement thereof by correspondence from Plaintiffs on October 31, 2018, as discussed in paragraph 26 above.

87. Defendant was further made aware of the '383 patent and its infringement thereof at least as early as the date of filing of this Complaint.

88. Upon information and belief, Defendant has and continue to directly infringe at least claims 1 and/or 11 of the '279 patent by making, using, selling, importing, offering for sale, providing, practicing, and causing the Accused Instrumentality that infringe the patented methods.

89. Upon information and belief, these Accused Instrumentality are used, marketed, provided to, and/or used by or for the Defendant's partners, clients, customers/subscribers and end users across the country and in this District.

90. Upon information and belief, Defendant has induced and continues to induce others to infringe at least claims 1 and/or 11 of the '279 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including, but not limited to Defendant's partners, clients, customers/subscribers, and end users, whose use of the Accused Instrumentality constitutes direct infringement of at least one claim of the '279 patent.

91. In particular, the Defendant's actions that aid and abet others such as its partners, customers/subscribers, clients, and end users to infringe include advertising and distributing the Accused Instrumentality and providing instruction materials, training, and services regarding the Accused Instrumentality.

92. Any party, including Defendant's partners, clients, customers/subscribers, and end users, using the Accused Instrumentalities necessarily infringes the '279 patent because the invention of the '279 patent is required to comply with the relevant cellular standard. Defendant advertises its Accused Instrumentalities as compliant with the relevant cellular standard, which induces others to infringe the '279 patent. Defendant has knowingly induced infringement since at least October 31, 2018, when Defendant was first made aware of the '279 patent during extensive correspondence with Plaintiffs as discussed in paragraphs 25-29 above.

93. Upon information and belief, the Defendant are liable as a contributory infringer of the '279 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States the Accused Instrumentality that infringe the patented methods, to be especially made or adapted for use in an infringement of the '279 patent. Each of the Accused Instrumentality is a material component for use in practicing the '279 patent and is specifically made and are not a staple article of commerce suitable for substantial non-infringing use. In particular, each Accused Instrumentality is advertised to be compliant with the relevant standard and primarily used in compliance with that standard.

94. Plaintiffs have been harmed by Defendant's infringing activities.

### **JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all issues triable as such.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs demand judgment for itself and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '803, '443, '070, '383 and '279 patents;

- B. An award of damages to be paid by Defendant adequate to compensate Plaintiffs for Defendant's past infringement of the '803, '443, '070, '383 and '279 patents, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiffs' reasonable attorneys' fees; and
- D. An award to Plaintiffs of such further relief at law or in equity as the Court deems just and proper.

Dated: December 13, 2021

DEVLIN LAW FIRM LLC

*/s/ Timothy Devlin* \_\_\_\_\_

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