

**FILED**

December 15, 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

BY: lad  
DEPUTY

**Tron Holdings LLC,**

Plaintiff,

v.

**AT&T, Inc.,**

Defendant.

Case No. 6:22-cv-01054-LY

Patent Case

Jury Trial Demanded

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

1. Plaintiff Tron Holdings LLC (“Plaintiff”), through its attorneys, complains of AT&T Services, Inc. and DIRECTV, LLC (“Defendants”), and alleges the following:

**PARTIES**

2. Plaintiff Tron Holdings LLC is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 261 West 35th St, Suite 1003 New York, NY 10001.

3. On information and belief, AT&T Services, Inc. is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 208 South Akard Street, Dallas, Texas 75202.

4. On information and belief, DIRECTV, LLC is a California limited liability company, with its principal place of business in El Segundo, California.

### **JURISDICTION**

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

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

7. This Court has personal jurisdiction over Defendants because they have engaged in systematic and continuous business activities in this District. As described below, Defendants have committed acts of patent infringement giving rise to this action within this District.

### **VENUE**

8. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendants have an established place of business in this District. In addition, Defendants have committed acts of patent infringement in this District, and Plaintiff has suffered harm in this district.

### **PATENT-IN-SUIT**

9. Plaintiff is the assignee of all right, title and interest in United States Patent No. 8,566,817 (the "Patent-in-Suit"); 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 Defendants.

### **THE '817 PATENT**

10. The '817 Patent is entitled "System and method of advertising for use on internet and/or digital networking capable devices," and issued 2013-10-22. The application leading to the '817 Patent was filed on 2010-07-01. A true and correct copy of the '817 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

**COUNT 1: INFRINGEMENT OF THE '817 PATENT**

11. Plaintiff incorporates the above paragraphs herein by reference.

12. **Direct Infringement.** Defendants have been and continues to directly infringe one or more claims of the '817 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendants' products identified in the charts incorporated into this Count below (among the "Exemplary Defendants Products") that infringe at least the exemplary claims of the '817 Patent also identified in the charts incorporated into this Count below (the "Exemplary '817 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '817 Patent have been made, used, sold, imported, and offered for sale by Defendants and/or their customers.

13. Defendants also have and continue to directly infringe, literally or under the doctrine of equivalents, the Exemplary '817 Patent Claims, by having its employees internally test and use these Exemplary Products.

14. **Actual Knowledge of Infringement.** The service of this Complaint, in conjunction with the attached claim charts and references cited, constitutes actual knowledge of infringement as alleged here.

15. Despite such actual knowledge, Defendants continue to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '817 Patent. On information and belief, Defendants have also continued to sell the Exemplary Defendants Products and distribute product literature and website materials inducing end users and others to use its products in the customary and intended manner that infringes the '817 Patent. *See Exhibit*

2 (extensively referencing these materials to demonstrate how they direct end users to commit patent infringement).

16. **Induced Infringement.** At least since being served by this Complaint and corresponding claim charts, Defendants have actively, knowingly, and intentionally continued to induce infringement of the '817 Patent, literally or by the doctrine of equivalents, by selling Exemplary Defendants Products to their customers for use in end-user products in a manner that infringes one or more claims of the '817 Patent.

17. Exhibit 2 includes charts comparing the Exemplary '817 Patent Claims to the Exemplary Defendants Products. As set forth in these charts, the Exemplary Defendants Products practice the technology claimed by the '817 Patent. Accordingly, the Exemplary Defendants Products incorporated in these charts satisfy all elements of the Exemplary '817 Patent Claims.

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

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

#### **JURY DEMAND**

20. 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 '817 Patent is valid and enforceable
- B. A judgment that Defendants have infringed directly and indirectly one or more claims of the '817 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' continuing or future infringement, up until the date such judgment is entered with respect to the '817 Patent, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284;
- 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 attorney's fees against Defendants 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: December 14, 2022

Respectfully submitted,

/s/ Isaac Rabicoff  
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December 14, 2022

United States District Court Clerk's Office  
United States District Court, Western District of Texas  
United States Courthouse  
800 Franklin Ave., Room 380  
Ms. Leigh Anne Diaz  
Waco, Texas 76701

**Re: *Tron Holdings LLC v. AT&T Inc.***  
**Civil Action No.: 6:22-cv-01054-LY (W.D. Tex.)**

Dear Leigh Anne,

As discussed with Irina, please file the attached Amended Complaint and Exhibits 1-2 in the above-referenced case. The new parties that are being added is Defendants AT&T Services, Inc. and DIRECTV, LLC.

We appreciate your consideration of this request.

Sincerely,

/s/ Isaac Rabicoff  
Isaac Rabicoff

Enc.

RECEIVED

DEC 15 2022

CLERK, U S DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_  
DEPUTY CLERK