

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

<b>TRAXCELL TECHNOLOGIES, LLC,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 6:22-cv-00976</b>
	)	
	)	
<b>CELLCO PARTNERSHIP, ERICSSON,</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>INC., NOKIA OF AMERICA CORP.,</b>	)	
<b>NOKIA SOLUTIONS AND</b>	)	
<b>NETWORKS OY, and SAMSUNG</b>	)	
<b>ELECTRONICS AMERICA, INC.</b>	)	
<b>Defendants.</b>	)	

**PLAINTIFF’S SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Traxcell Technologies, LLC. (“Traxcell”) files this Second Amended Complaint, and demand for jury trial seeking relief from patent infringement by Cellco Partnership d/b/a Verizon Wireless (“Verizon”); Ericsson, Inc. (“Ericsson”); Nokia of America Corp. (“Nokia Corp.”); Nokia Solutions and Networks Oy (“Nokia Finland”); and, Samsung Electronics America, Inc. (“Samsung”) (collectively referred to as “Defendants”), alleging infringement of the claims of U.S. Pat. No. 10,448,209 (“the ‘209 patent”) and U.S. Pat. No. 10,390,175 (“the ‘175 patent”) (collectively referred to as “Patents-in-Suit”), as follows:<sup>1</sup>

**I. THE PARTIES**

1. Plaintiff Traxcell is a Texas Limited Liability Company, with its principal place of business located at Traxcell Technologies LLC, 617 North 4th Street, Suite "S," Waco, TX 76701.

2. Verizon Wireless is Delaware corporation with its principal place of business at One Verizon Way, Basking Ridge, New Jersey and a registered agent for service of process at CT Corp System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136. On information and

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<sup>1</sup> This Second Amended Complaint is filed before any Defendant has answered.

belief, Verizon Wireless Personal Communications, LP sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in Texas and this judicial district.

3. Ericsson is a corporation, with its principal place of business located at 6300 Legacy Drive, Plano, Texas 75024 and may be served with process at its registered agent Capitol Corporate Services, Inc. 206 E. 9<sup>th</sup> Street, Suite 1300, Austin, Texas 78701. On information and belief, Ericsson sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in Texas and this judicial district.

4. Nokia Corp is a corporation organized and existing under the laws of Delaware, with a principal places of business located at (1) 6000 Connection Drive, MD E4-400, Irving, TX 75039; (2) 601 Data Dr., Plano, TX 75075; and, (3) 2400 Dallas Pkwy., Plano, TX 75093, and a registered agent for service of process at National Registered Agents, Inc, 16055 Space Center, Suite 235, Houston, TX 77062. On information and belief, Nokia Corp. sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in Texas and this judicial district.

5. Nokia Finland is a is a corporation organized and existing under the laws of Finland, with a principal place of business 6000 Connection Drive, MD E4-400, Irving, TX 75039 and a registered agent for service of process at National Registered Agents, Inc, 16055 Space Center, Suite 235, Houston, TX 77062. On information and belief, Nokia sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces

products and services that perform infringing processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. (Nokia Corp. and Nokia Finland are collectively referred to as “Nokia.”)

6. Samsung is a corporation organized and existing under the laws of the state of New York, maintains its principal place of business at 85 Challenger Road, Ridgefield Park, NJ 07660, and has a registered agent for service of process at CT Corporation System, located at 1999 Bryan Street, Suite 900, Dallas, TX 75201. On information and belief, Samsung America sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing processes into the stream of commerce knowing that they would be sold in Texas and this judicial district.

## **II. JURISDICTION AND VENUE**

7. This is an action for patent infringement arising under the patent laws of the U.S., 35 U.S.C. §§ 1 et. seq. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Verizon because: Verizon is present within or has minimum contacts within the State of Texas and this judicial district; Verizon has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; Verizon regularly conducts business within the State of Texas and within this judicial district; and Plaintiff’s cause of action arises directly from Verizon’s business contacts and other activities in the State of Texas and in this judicial district.

9. Venue is proper in this district under 28 U.S.C. § 1400(b). Verizon has committed acts of infringement and has a regular and established place of business in this District.

10. This Court has personal jurisdiction over Ericsson because: Ericsson is present within or has minimum contacts within the State of Texas and this judicial district; Ericsson has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; Ericsson regularly conducts business within the State of Texas and within this judicial district; and Plaintiff's cause of action arises directly from Ericsson's business contacts and other activities in the State of Texas and in this judicial district.

11. Venue is proper in this district under 28 U.S.C. § 1400(b). Ericsson has committed acts of infringement and has a regular and established place of business in this District, including at least 1703 W 5th St, Austin, TX 78703.

12. This Court has personal jurisdiction over Nokia Corp. because: Nokia Corp. is present within or has minimum contacts within the State of Texas and this judicial district; Nokia Corp. has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; Nokia Corp. regularly conducts business within the State of Texas and within this judicial district; and Plaintiff's cause of action arises directly from Nokia Corp.'s business contacts and other activities in the State of Texas and in this judicial district.

13. Venue is proper in this district under 28 U.S.C. § 1400(b) because Nokia Corp. has committed acts of infringement and has a regular and established place of business in this District.

14. This Court has personal jurisdiction over Nokia Finland because: Nokia Finland is present within or has minimum contacts within the State of Texas and this judicial district; Nokia Finland has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; Nokia Finland regularly conducts business within the State of

Texas and within this judicial district; and Plaintiff's cause of action arises directly from Nokia Finland's business contacts and other activities in the State of Texas and in this judicial district.

15. Venue is proper in this district under 28 U.S.C. § 1400(b) because Nokia Finland has committed acts of infringement and has a regular and established place of business in this District, including at least 1703 W 5th St, Austin, TX 78703.

16. This Court has personal jurisdiction over Samsung because: Samsung is present within or has minimum contacts within the State of Texas and this judicial district; Samsung has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; Samsung regularly conducts business within the State of Texas and within this judicial district; and Plaintiff's cause of action arises directly from Samsung's business contacts and other activities in the State of Texas and in this judicial district.

17. Venue is proper in this district under 28 U.S.C. § 1400(b) because Samsung has committed acts of infringement and has a regular and established place of business in this District.

**V. INFRINGEMENT ('209 Patent (Attached as exhibit A))**

18. On October 15, 2019, U.S. Patent No. 10,448,209 ("the '209 patent") entitled "WIRELESS NETWORK AND METHOD WITH COMMUNICATIONS ERROR TREND ANALYSIS" was duly and legally issued by the U.S. Patent and Trademark Office. Traxcell owns the '209 patent by assignment.

19. The '209 Patent's Abstract states, "A mobile wireless network and a method of operation provide tracking of mobile devices and case file generation initiated upon detecting communications errors. The case files contain trends corresponding to the communications errors by analyzing parameters of the communications. The trends are

compared to stored patterns that represent particular error types and resolutions so that corrective action can be taken on the network.”

**A. Verizon**

20. The preliminary exemplary chart attached as Exhibit B provides notice of Traxcell’s allegations of infringement against Verizon:
21. Verizon makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions such that Verizon infringes claims 1–18 of the ‘209 patent, literally or under the doctrine of equivalents.
22. More specifically, Verizon makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions for monitoring trends such that Verizon infringes claims 1–18 of the ‘209 patent, literally or under the doctrine of equivalents by putting the entire claimed invention into use, controlling it, and obtaining benefit from it. Three of Verizon’s equipment providers are Ericsson, Nokia and Samsung.
23. Again more specifically, Verizon puts its wireless network into use, and or causes Verizon subsidiaries or family of companies, vendors, partners to put components of the wireless network in use, and controls it by using the wireless network to perform or have performed on it the claimed functions, as charted in Exhibit B. For example, a component of the system of computers that is used in providing access to an indication of location of a wireless device may be controlled by one or more Verizon subsidiaries or

family of companies, vendors, or partners. In addition to Exhibit B and the facts alleged herein, additional relevant facts are recited in Traxcell's Infringement Contentions.

24. Again more specifically, Verizon receives the benefits of the claims from the patent's teaching systems and methods that wireless networks utilize to collect, store, and process information relating to the location of users in order to optimize a wireless network. Benefits of practicing the claims of the '209 include the ability to tune a wireless network in order to improve quality of service ("QoS") from a wireless user's point of view. This includes better voice quality, fewer dropouts, and improved handoff procedures if QoS deteriorates near the edge of a cell. Practicing the claims of the '209 patent also provides for an increase in the number of users who can simultaneously use a network. Furthermore, the claims of the '209 patent enable network operators to allocate resources in a very efficient way and reduce costs.

25. Again more specifically, Verizon receives the benefits of the claims of the '209 providing:

- a. Increased automation for higher network performance with lower cost;
- b. Network Quality Optimization: the user experience;
- c. Reduction in Power/Energy Consumption (reduced OPEX);
- d. Reduction in Carbon Dioxide Emissions;
- e. Reduction in Operational Costs: field management, coverage optimization, capacity optimization, operational efficiency (including personnel costs);
- f. Reduction in the need for Over-Dimensioning;
- g. Reduction or deferment of CAPEX;
- h. Access to location information of a wireless device; and,

- i. the like.
26. Verizon put the inventions claimed by the '209 Patent into service (i.e., used them); but for Verizon's actions, the claimed-inventions embodiments involving Verizon's products and services would never have been put into service. Verizon's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Verizon obtaining monetary and commercial benefit from it.
  27. Defendant has and continues to induce infringement from at least the filing date of the lawsuit but reasonably from the issuance of the patent as it issued after Traxcell sued Verizon on October 31, 2017. Verizon has actively encouraged or instructed others (e.g., its customers), and continues to do so, on how to use its products and services (e.g., U.S. wireless networks, wireless-network components that use performance measurements to suggest corrective actions and controlling access to location information) such to cause infringement claims 1-18 of the '209 patent, literally or under the doctrine of equivalents. Moreover, Verizon has known and should have known of the '209 patent, by at least by the date of the patent's issuance, or from the issuance of the '284 patent, which followed the date that the patent's underlying application was cited to Verizon by the U.S. Patent and Trademark Office during prosecution of one of Verizon's patent applications. More specifically, Verizon has known or should have known of the '209 patent since being sued previously by Traxcell on other family related patents and a reasonable company would monitor the family of patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Verizon's lawyers that he had other family related patents.
  28. Defendant has and continues to contributorily infringe from at least the filing date of the lawsuit but reasonably from the issuance of the patent as it issued after Traxcell sued



Verizon on October 31, 2017. Verizon has actively encouraged or instructed others (e.g., its customers, and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Ericsson network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the ‘209 patent, literally or under the doctrine of equivalents. Further, there are no substantial noninfringing uses for Defendant’s products and services. Moreover, Verizon has known and should have known of the ‘209 patent, by at least by the date of the patent’s issuance, or from the issuance of the ‘284 patent, which followed the date that the patent’s underlying application was cited to Verizon by the U.S. Patent and Trademark Office during prosecution of one of Verizon’s patent applications. More specifically, Verizon has known or should have known of the ‘209 patent since it was brought into defend a lawsuit brough by Traxcell against Verizon on other family related patents and a reasonable company would monitor the family of patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Verizon’s lawyers in the other litigation that he had other family related patents.

29. Verizon have caused and will continue to cause Traxcell damage by infringing the ‘209 patent.

**B. Ericsson**

30. The preliminary exemplary chart attached as Exhibit B provides notice of Traxcell’s allegations of infringement against Ericsson.

31. Ericsson makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions and controlling access to location information such that Ericsson infringes claims 1–18 of the ‘209 patent, literally or under the doctrine of equivalents.
32. More specifically, Ericsson makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions and controlling access to location information such that Ericsson infringes claims 1–18 of the ‘209 patent, literally or under the doctrine of equivalents by putting the entire claimed invention into use, controlling it, and obtaining benefit from it.
33. Again more specifically, Ericsson receives the benefits of the claims from the patent’s teaching systems and methods that wireless networks utilize to collect, store, and process information relating to the location of users in order to optimize a wireless network. Benefits of practicing the claims of the ‘209 include the ability to tune a wireless network in order to improve quality of service (“QoS”) from a wireless user’s point of view. This includes better voice quality, fewer dropouts, and improved handoff procedures if QoS deteriorates near the edge of a cell. Practicing the claims of the ‘209 patent also provides for an increase in the number of users who can simultaneously use a network. Furthermore, the claims of the ‘209 patent enable network operators to allocate resources in a very efficient way and reduce costs.
34. Again more specifically, Ericsson receives the benefits of the claims of the ‘209 providing:

- a. Increased automation for higher network performance with lower cost;
  - b. Network Quality Optimization: the user experience;
  - c. Reduction in Power/Energy Consumption (reduced OPEX);
  - d. Reduction in Carbon Dioxide Emissions;
  - e. Reduction in Operational Costs: field management, coverage optimization, capacity optimization, operational efficiency (including personnel costs);
  - f. Reduction in the need for Over-Dimensioning;
  - g. Reduction or deferment of CAPEX;
  - h. Access to location information of a wireless device; and,
  - i. the like.
35. Ericsson put the inventions claimed by the '209 Patent into service (i.e., used them); but for Ericsson's actions, the claimed-inventions embodiments involving Ericsson's products and services would never have been put into service. Ericsson's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Ericsson obtaining monetary and commercial benefit from it.
36. Defendant has and continues to induce infringement from at least the filing date of the lawsuit. Ericsson has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>2</sup> T-Mobile USA, Inc. and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Ericsson network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more

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<sup>2</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.

of claims 1–18 of the ‘209 patent, literally or under the doctrine of equivalents. Moreover, Ericsson has known and should have known of the ‘209 patent, by at least by the date of the patent’s issuance, or from the issuance of the ‘284 patent, which followed the date that the patent’s underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Ericsson’s patent applications. More specifically, Ericsson has known or should have known of the ‘209 patent since it was brought into defend a lawsuit brough by Traxcell against Verizon on other family related patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Verizon’s lawyers in the other litigation that he had other family related patents and a reasonable company would monitor the family of patents. Ericsson was assisting Verizon in its defense. Further, Ericsson was put on Notice of Traxcell’s family of patents by the letter attached as Exhibit C.

37. Defendant has and continues to contributorily infringe from at least the filing date of the lawsuit. Ericsson has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>3</sup> T-Mobile USA, Inc. and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Ericsson network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the ‘209 patent, literally or under the doctrine of equivalents. Further, there are no substantial noninfringing uses for Defendant’s products and services. Moreover, Ericsson has known and should have known of the ‘209 patent, by at least by

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<sup>3</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.

the date of the patent's issuance, or from the issuance of the '284 patent, which followed the date that the patent's underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Ericsson's patent applications. More specifically, Ericsson has known or should have known of the '209 patent since it was brought into defend a lawsuit brought by Traxcell against Verizon on other family related patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Verizon's lawyers in the other litigation that he had other family related patents and a reasonable company would monitor the family of patents. Ericsson was assisting Verizon in its defense. Further, Ericsson was put on Notice of Traxcell's family of patents by the letter attached as Exhibit C.

38. Ericsson has caused and will continue to cause Traxcell damage by infringing the '209 patent.

### **C. Nokia**

39. The preliminary exemplary chart attached as Exhibit B provides notice of Traxcell's allegations of infringement against Nokia.

40. Nokia makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions and controlling access to location information such that Nokia infringes claims 1–18 of the '209 patent, literally or under the doctrine of equivalents.

41. More specifically, Nokia makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use

performance measurements to suggest corrective actions and controlling access to location information such that Nokia infringes claims 1–18 of the ‘209 patent, literally or under the doctrine of equivalents by putting the entire claimed invention into use, controlling it, and obtaining benefit from it.

42. Again more specifically, Nokia receives the benefits of the claims from the patent’s teaching systems and methods that wireless networks utilize to collect, store, and process information relating to the location of users in order to optimize a wireless network. Benefits of practicing the claims of the ’209 include the ability to tune a wireless network in order to improve quality of service (“QoS”) from a wireless user’s point of view. This includes better voice quality, fewer dropouts, and improved handoff procedures if QoS deteriorates near the edge of a cell. Practicing the claims of the ’209 patent also provides for an increase in the number of users who can simultaneously use a network. Furthermore, the claims of the ’209 patent enable network operators to allocate resources in a very efficient way and reduce costs.

43. Again more specifically, Nokia receives the benefits of the claims of the ’209 providing:

- a. Increased automation for higher network performance with lower cost;
- b. Network Quality Optimization: the user experience;
- c. Reduction in Power/Energy Consumption (reduced OPEX);
- d. Reduction in Carbon Dioxide Emissions;
- e. Reduction in Operational Costs: field management, coverage optimization, capacity optimization, operational efficiency (including personnel costs);
- f. Reduction in the need for Over-Dimensioning;
- g. Reduction or deferment of CAPEX;

- h. Access to location information of a wireless device; and,
  - i. the like.
44. Nokia put the inventions claimed by the '209 Patent into service (i.e., used them); but for Nokia's actions, the claimed-inventions embodiments involving Nokia's products and services would never have been put into service. Nokia's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Nokia obtaining monetary and commercial benefit from it.
45. Nokia has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>4</sup> T-Mobile USA, Inc. and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Nokia network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the '209 patent, literally or under the doctrine of equivalents. Moreover, Nokia has known and should have known of the '209 patent, by at least by the date of the patent's issuance, or from the issuance of the '284 patent, which followed the date that the patent's underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Nokia's patent applications. More specifically, Nokia has known or should have known of the '209 patent since it was previously sued by Traxcell on other family related patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Nokia's lawyers in the other litigation that he had other family related patents and a reasonable company would monitor the family of patents.

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<sup>4</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.

Further, Nokia was put on Notice of Traxcell's family of patents by the letter attached as Exhibit D.

46. Defendant has and continues to contributorily infringe from at least the filing date of the lawsuit. Nokia has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>5</sup> T-Mobile USA, Inc. and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Ericsson network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the '209 patent, literally or under the doctrine of equivalents. Further, there are no substantial noninfringing uses for Defendant's products and services. Moreover, Nokia has known and should have known of the '209 patent, by at least by the date of the patent's issuance, or from the issuance of the '284 patent, which followed the date that the patent's underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Nokia's patent applications. More specifically, Nokia has known or should have known of the '209 patent since it was sued in a lawsuit brought by Traxcell against Nokia on other family related patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Nokia's lawyers in the other litigation that he had other family related patents and a reasonable company would monitor the family of patents. Nokia was assisting Verizon in its defense. Further, Nokia was put on Notice of Traxcell's family of patents by the letter attached as Exhibit D.

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<sup>5</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.



47. Nokia has caused and will continue to cause Traxcell damage by infringing the '209 patent.

**D. Samsung**

48. The preliminary exemplary chart attached as Exhibit B provides notice of Traxcell's allegations of infringement against Samsung.

49. Samsung makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions and controlling access to location information such that Samsung infringes claims 1–18 of the '209 patent, literally or under the doctrine of equivalents.

50. More specifically, Samsung makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions and controlling access to location information such that Samsung infringes claims 1–18 of the '209 patent, literally or under the doctrine of equivalents by putting the entire claimed invention into use, controlling it, and obtaining benefit from it.

51. Again more specifically, Samsung receives the benefits of the claims from the patent's teaching systems and methods that wireless networks utilize to collect, store, and process information relating to the location of users in order to optimize a wireless network. Benefits of practicing the claims of the '209 include the ability to tune a wireless network in order to improve quality of service ("QoS") from a wireless user's point of view. This

includes better voice quality, fewer dropouts, and improved handoff procedures if QoS deteriorates near the edge of a cell. Practicing the claims of the '209 patent also provides for an increase in the number of users who can simultaneously use a network. Furthermore, the claims of the '209 patent enable network operators to allocate resources in a very efficient way and reduce costs.

52. Again more specifically, Samsung receives the benefits of the claims of the '209 providing:

- a. Increased automation for higher network performance with lower cost;
- b. Network Quality Optimization: the user experience;
- c. Reduction in Power/Energy Consumption (reduced OPEX);
- d. Reduction in Carbon Dioxide Emissions;
- e. Reduction in Operational Costs: field management, coverage optimization, capacity optimization, operational efficiency (including personnel costs);
- f. Reduction in the need for Over-Dimensioning;
- g. Reduction or deferment of CAPEX;
- h. Access to location information of a wireless device; and,
- i. the like.

53. Samsung put the inventions claimed by the '209 Patent into service (i.e., used them); but for Samsung's actions, the claimed-inventions embodiments involving Samsung's products and services would never have been put into service. Samsung's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Samsung obtaining monetary and commercial benefit from it.

54. Samsung has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>6</sup> T-Mobile USA, Inc. and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Samsung network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the ‘209 patent, literally or under the doctrine of equivalents. Moreover, Samsung has known and should have known of the ‘209 patent, by at least by the date of the patent’s issuance, or from the issuance of the ‘284 patent, which followed the date that the patent’s underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Samsung’s patent applications. More specifically, Samsung has known or should have known of the ‘209 patent since it was previously sued by Traxcell on other family related patents and a reasonable company would monitor the family of patents.

55. Defendant has and continues to contributorily infringe from at least the filing date of the lawsuit. Samsung has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>7</sup> T-Mobile USA, Inc. and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Ericsson network components) that use performance measurements to suggest corrective actions and

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<sup>6</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.

<sup>7</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.

controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the ‘209 patent, literally or under the doctrine of equivalents. Further, there are no substantial noninfringing uses for Defendant’s products and services. Moreover, Samsung has known and should have known of the ‘209 patent, by at least by the date of the patent’s issuance, or from the issuance of the ‘284 patent, which followed the date that the patent’s underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Samsung’s patent applications. More specifically, Samsung has known or should have known of the ‘209 patent since it was sued in a lawsuit brought by Traxcell against Samsung on other family related patents and a reasonable company would monitor the family of patents.

56. Samsung has caused and will continue to cause Traxcell damage by infringing the ‘209 patent.

**VII. INFRINGEMENT ‘175 Patent (Attached as exhibit E))**

57. On August 20, 2019, U.S. Patent No. 10,390,175 (“the ‘175 patent”), attached as Exhibit E, entitled “Mobile wireless device tracking and notification system” was duly and legally issued by the U.S. Patent and Trademark Office. Traxcell owns the ‘175 patent by assignment.

58. The ’175 Patent’s Abstract states, “A mobile wireless network and a method of operation provide tracking of mobile devices either in a passive mode or an active mode. In the passive mode, fault detection triggers generation of a case file associated with the device experiencing the fault. In the active mode, a user of the system can specify tracking mobile devices by sector or one or more mobile devices by identifier.

Notifications can be generated in response to detection of a fault, or when a device enters a predetermined geographic region..”

**A. Verizon**

59. The preliminary exemplary chart attached as Exhibit F provides notice of Traxcell’s allegations of infringement against Verizon:
60. Verizon makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions such that Verizon infringes claims 1–18 of the ‘175 patent, literally or under the doctrine of equivalents.
61. More specifically, Verizon makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions for monitoring trends such that Verizon infringes claims 1–18 of the ‘175 patent, literally or under the doctrine of equivalents by putting the entire claimed invention into use, controlling it, and obtaining benefit from it. Three of Verizon’s equipment providers are Ericsson, Nokia and Samsung.
62. Again more specifically, Verizon puts its wireless network into use, and or causes Verizon subsidiaries or family of companies, vendors, partners to put components of the wireless network in use, and controls it by using the wireless network to perform or have performed on it the claimed functions, as charted in Exhibit H. For example, a component of the system of computers that is used in providing access to an indication of location of a wireless device may be controlled by one or more Verizon subsidiaries or

family of companies, vendors, or partners. In addition to Exhibit H and the facts alleged herein, additional relevant facts are recited in Traxcell's Infringement Contentions.

63. Again more specifically, Verizon receives the benefits of the claims from the patent's teaching systems and methods that wireless networks utilize to collect, store, and process information relating to the location of users in order to optimize a wireless network. Benefits of practicing the claims of the '175 include the ability to tune a wireless network in order to improve quality of service ("QoS") from a wireless user's point of view, including through at least tracking a wireless device and assessing its performance. This includes better voice quality, fewer dropouts, and improved handoff procedures if QoS deteriorates near the edge of a cell. Practicing the claims of the '175 patent also provides for an increase in the number of users who can simultaneously use a network. Furthermore, the claims of the '175 patent enable network operators to allocate resources in a very efficient way and reduce costs.

64. Again more specifically, Verizon receives the benefits of the claims of the '175 providing:

- a. Increased automation for higher network performance with lower cost;
- b. Network Quality Optimization: the user experience;
- c. Reduction in Power/Energy Consumption (reduced OPEX);
- d. Reduction in Carbon Dioxide Emissions;
- e. Reduction in Operational Costs: field management, coverage optimization, capacity optimization, operational efficiency (including personnel costs);
- f. Reduction in the need for Over-Dimensioning;
- g. Reduction or deferment of CAPEX;

- h. Access to location information of a wireless device
  - i. Tracking of one or more wireless devices; and,
  - j. the like.
65. Verizon put the inventions claimed by the '175 Patent into service (i.e., used them); but for Verizon's actions, the claimed-inventions embodiments involving Verizon's products and services would never have been put into service. Verizon's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Verizon obtaining monetary and commercial benefit from it.
66. Defendant has and continues to induce infringement from at least the filing date of the lawsuit but reasonably from the issuance of the patent as it issued after Traxcell sued Verizon on October 31, 2017. Verizon has actively encouraged or instructed others (e.g., its customers), and continues to do so, on how to use its products and services (e.g., U.S. wireless networks, wireless-network components that use performance measurements to suggest corrective actions and controlling access to location information) such to cause infringement claims 1-18 of the '175 patent, literally or under the doctrine of equivalents. Moreover, Verizon has known and should have known of the '175 patent, by at least by the date of the patent's issuance, or from the issuance of the '284 patent, which followed the date that the patent's underlying application was cited to Verizon by the U.S. Patent and Trademark Office during prosecution of one of Verizon's patent applications. More specifically, Verizon has known or should have known of the '175 patent since being sued previously by Traxcell on other family related patents and a reasonable company would monitor the family of patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Verizon's lawyers that he had other family related patents.

67. Defendant has and continues to contributorily infringe from at least the filing date of the lawsuit but reasonably from the issuance of the patent as it issued after Traxcell sued Verizon on October 31, 2017. Verizon has actively encouraged or instructed others (e.g., its customers, and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Ericsson network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the ‘175 patent, literally or under the doctrine of equivalents. Further, there are no substantial noninfringing uses for Defendant’s products and services. Moreover, Verizon has known and should have known of the ‘175 patent, by at least by the date of the patent’s issuance, or from the issuance of the ‘284 patent, which followed the date that the patent’s underlying application was cited to Verizon by the U.S. Patent and Trademark Office during prosecution of one of Verizon’s patent applications. More specifically, Verizon has known or should have known of the ‘175 patent since it was brought into defend a lawsuit brough by Traxcell against Verizon on other family related patents and a reasonable company would monitor the family of patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Verizon’s lawyers in the other litigation that he had other family related patents.

68. Verizon have caused and will continue to cause Traxcell damage by infringing the ‘175 patent.

**B. Ericsson**



69. The preliminary exemplary chart attached as Exhibit F provides notice of Traxcell's allegations of infringement against Ericsson.
70. Ericsson makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions and controlling access to location information such that Ericsson infringes claims 1–18 of the '175 patent, literally or under the doctrine of equivalents.
71. More specifically, Ericsson makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions and controlling access to location information such that Ericsson infringes claims 1–18 of the '175 patent, literally or under the doctrine of equivalents by putting the entire claimed invention into use, controlling it, and obtaining benefit from it.
72. Again more specifically, Ericsson receives the benefits of the claims from the patent's teaching systems and methods that wireless networks utilize to collect, store, and process information relating to the location of users in order to optimize a wireless network, including through at least tracking a wireless device and assessing its performance. Benefits of practicing the claims of the '175 include the ability to tune a wireless network in order to improve quality of service ("QoS") from a wireless user's point of view. This includes better voice quality, fewer dropouts, and improved handoff procedures if QoS deteriorates near the edge of a cell. Practicing the claims of the '175 patent also provides for an increase in the number of users who can simultaneously use a network.

Furthermore, the claims of the '175 patent enable network operators to allocate resources in a very efficient way and reduce costs.

73. Again more specifically, Ericsson receives the benefits of the claims of the '175 providing:

- a. Increased automation for higher network performance with lower cost;
- b. Network Quality Optimization: the user experience;
- c. Reduction in Power/Energy Consumption (reduced OPEX);
- d. Reduction in Carbon Dioxide Emissions;
- e. Reduction in Operational Costs: field management, coverage optimization, capacity optimization, operational efficiency (including personnel costs);
- f. Reduction in the need for Over-Dimensioning;
- g. Reduction or deferment of CAPEX;
- h. Access to location information of a wireless device;
- i. Tracking a wireless devices; and,
- j. the like.

74. Ericsson put the inventions claimed by the '175 Patent into service (i.e., used them); but for Ericsson's actions, the claimed-inventions embodiments involving Ericsson's products and services would never have been put into service. Ericsson's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Ericsson obtaining monetary and commercial benefit from it.

75. Defendant has and continues to induce infringement from at least the filing date of the lawsuit but reasonably from the issuance of the patent as it issued after Traxcell sued Verizon on October 31, 2017, where Ericsson assisted in the defense as discussed herein.

Ericsson has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>8</sup> T-Mobile USA, Inc. and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Ericsson network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the ‘175 patent, literally or under the doctrine of equivalents. Moreover, Ericsson has known and should have known of the ‘175 patent, by at least by the date of the patent’s issuance, or from the issuance of the ‘284 patent, which followed the date that the patent’s underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Ericsson’s patent applications. More specifically, Ericsson has known or should have known of the ‘175 patent since it was brought into defend a lawsuit brough by Traxcell against Verizon on other family related patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Verizon’s lawyers in the other litigation that he had other family related patents and a reasonable company would monitor the family of patents and a reasonable company would monitor the family of patents. Ericsson was assisting Verizon in its defense. Further, Ericsson was put on Notice of Traxcell’s family of patents by the letter attached as Exhibit C.

76. Defendant has and continues to contributorily infringe from at least the filing date of the lawsuit but reasonably from the issuance of the patent as it issued after Traxcell sued Verizon on October 31, 2017, where Ericsson assisted in the defense as discussed herein.

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<sup>8</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.

Ericsson has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>9</sup> T-Mobile USA, Inc. and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Ericsson network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the ‘175 patent, literally or under the doctrine of equivalents. Further, there are no substantial noninfringing uses for Defendant’s products and services. Moreover, Ericsson has known and should have known of the ‘175 patent, by at least by the date of the patent’s issuance, or from the issuance of the ‘284 patent, which followed the date that the patent’s underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Ericsson’s patent applications. More specifically, Ericsson has known or should have known of the ‘175 patent since it was brought into defend a lawsuit brought by Traxcell against Verizon on other family related patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Verizon’s lawyers in the other litigation that he had other family related patents and a reasonable company would monitor the family of patents and a reasonable company would monitor the family of patents. Ericsson was assisting Verizon in its defense. Further, Ericsson was put on Notice of Traxcell’s family of patents by the letter attached as Exhibit C.

77. Ericsson has caused and will continue to cause Traxcell damage by infringing the ‘175 patent.

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<sup>9</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.

**C. Nokia**

78. The preliminary exemplary chart attached as Exhibit F provides notice of Traxcell's allegations of infringement against Nokia.
79. Nokia makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions and controlling access to location information such that Nokia infringes claims 1–18 of the '175 patent, literally or under the doctrine of equivalents.
80. More specifically, Nokia makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions and controlling access to location information such that Nokia infringes claims 1–18 of the '175 patent, literally or under the doctrine of equivalents by putting the entire claimed invention into use, controlling it, and obtaining benefit from it.
81. Again more specifically, Nokia receives the benefits of the claims from the patent's teaching systems and methods that wireless networks utilize to collect, store, and process information relating to the location of users in order to optimize a wireless network, including through at least tracking a wireless device and assessing its performance. Benefits of practicing the claims of the '175 include the ability to tune a wireless network in order to improve quality of service ("QoS") from a wireless user's point of view. This includes better voice quality, fewer dropouts, and improved handoff procedures if QoS deteriorates near the edge of a cell. Practicing the claims of the '175 patent also provides

for an increase in the number of users who can simultaneously use a network. Furthermore, the claims of the '175 patent enable network operators to allocate resources in a very efficient way and reduce costs.

82. Again more specifically, Nokia receives the benefits of the claims of the '175 providing:

- a. Increased automation for higher network performance with lower cost;
- b. Network Quality Optimization: the user experience;
- c. Reduction in Power/Energy Consumption (reduced OPEX);
- d. Reduction in Carbon Dioxide Emissions;
- e. Reduction in Operational Costs: field management, coverage optimization, capacity optimization, operational efficiency (including personnel costs);
- f. Reduction in the need for Over-Dimensioning;
- g. Reduction or deferment of CAPEX;
- h. Access to location information of a wireless device;
- i. Tracking a wireless device; and,
- j. the like.

83. Nokia put the inventions claimed by the '175 Patent into service (i.e., used them); but for Nokia's actions, the claimed-inventions embodiments involving Nokia's products and services would never have been put into service. Nokia's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Nokia obtaining monetary and commercial benefit from it.

84. Nokia has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>10</sup> T-Mobile USA, Inc. and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Nokia network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the ‘175 patent, literally or under the doctrine of equivalents. Moreover, Nokia has known and should have known of the ‘175 patent, by at least by the date of the patent’s issuance, or from the issuance of the ‘284 patent, which followed the date that the patent’s underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Nokia’s patent applications. More specifically, Nokia has known or should have known of the ‘175 patent since it was previously sued by Traxcell on other family related patents and a reasonable company would monitor the family of patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Nokia’s lawyers in the other litigation that he had other family related patents and a reasonable company would monitor the family of patents. Further, Nokia was put on Notice of Traxcell’s family of patents by the letter attached as Exhibit D.

85. Defendant has and continues to contributorily infringe from at least the filing date of the lawsuit. Nokia has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>11</sup> T-Mobile USA, Inc. and/or the customers of their

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<sup>10</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.

<sup>11</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.

related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Ericsson network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the ‘175 patent, literally or under the doctrine of equivalents. Further, there are no substantial noninfringing uses for Defendant’s products and services. Moreover, Nokia has known and should have known of the ‘175 patent, by at least by the date of the patent’s issuance, or from the issuance of the ‘284 patent, which followed the date that the patent’s underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Nokia’s patent applications. More specifically, Nokia has known or should have known of the ‘175 patent since it was sued in a lawsuit brought by Traxcell against Nokia on other family related patents. Further, specifically, Mark Jefferson Reed testified in a deposition taken by Nokia’s lawyers in the other litigation that he had other family related patents and a reasonable company would monitor the family of patents and a reasonable company would monitor the family of patents. Nokia was assisting Verizon in its defense. Further, Nokia was put on Notice of Traxcell’s family of patents by the letter attached as Exhibit D.

86. Nokia has caused and will continue to cause Traxcell damage by infringing the ‘175 patent.

**D. Samsung**



87. The preliminary exemplary chart attached as Exhibit F provides notice of Traxcell's allegations of infringement against Samsung.
88. Samsung makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions and controlling access to location information such that Samsung infringes claims 1–18 of the '175 patent, literally or under the doctrine of equivalents.
89. More specifically, Samsung makes, uses, offers to sell, and/or sells within or imports into the U.S. wireless networks, wireless-network components, and related services that use performance measurements to suggest corrective actions and controlling access to location information such that Samsung infringes claims 1–18 of the '175 patent, literally or under the doctrine of equivalents by putting the entire claimed invention into use, controlling it, and obtaining benefit from it.
90. Again more specifically, Samsung receives the benefits of the claims from the patent's teaching systems and methods that wireless networks utilize to collect, store, and process information relating to the location of users in order to optimize a wireless network, including through at least tracking a wireless device and assessing its performance. Benefits of practicing the claims of the '175 include the ability to tune a wireless network in order to improve quality of service ("QoS") from a wireless user's point of view. This includes better voice quality, fewer dropouts, and improved handoff procedures if QoS deteriorates near the edge of a cell. Practicing the claims of the '175 patent also provides for an increase in the number of users who can simultaneously use a network.

Furthermore, the claims of the '175 patent enable network operators to allocate resources in a very efficient way and reduce costs.

91. Again more specifically, Samsung receives the benefits of the claims of the '175 providing:

- a. Increased automation for higher network performance with lower cost;
- b. Network Quality Optimization: the user experience;
- c. Reduction in Power/Energy Consumption (reduced OPEX);
- d. Reduction in Carbon Dioxide Emissions;
- e. Reduction in Operational Costs: field management, coverage optimization, capacity optimization, operational efficiency (including personnel costs);
- f. Reduction in the need for Over-Dimensioning;
- g. Reduction or deferment of CAPEX;
- h. Access to location information of a wireless device;
- i. Tracking a wireless device; and,
- j. the like.

92. Samsung put the inventions claimed by the '175 Patent into service (i.e., used them); but for Samsung's actions, the claimed-inventions embodiments involving Samsung's products and services would never have been put into service. Samsung's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Samsung obtaining monetary and commercial benefit from it.

93. Samsung has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>12</sup> T-Mobile USA, Inc. and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Samsung network components) that use performance measurements to suggest corrective actions and controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the ‘175 patent, literally or under the doctrine of equivalents. Moreover, Samsung has known and should have known of the ‘175 patent, by at least by the date of the patent’s issuance, or from the issuance of the ‘284 patent, which followed the date that the patent’s underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Samsung’s patent applications. More specifically, Samsung has known or should have known of the ‘175 patent since it was previously sued by Traxcell on other family related patents and a reasonable company would monitor the family of patents.

94. Defendant has and continues to contributorily infringe from at least the filing date of the lawsuit. Samsung has actively encouraged or instructed others (e.g., its customers, such as Verizon, the Sprint Companies,<sup>13</sup> T-Mobile USA, Inc. and/or the customers of their related companies), and continues to do so, on how to use its products and services e.g., U.S. wireless networks, wireless-network components (including Ericsson network components) that use performance measurements to suggest corrective actions and

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<sup>12</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.

<sup>13</sup> Sprint Companies include Sprint Communications Company, L.P.; Sprint Spectrum, L.P.; Sprint Solutions, Inc.; and all other entities owned or controlled by Sprint Corporation, at any time. The Sprint Companies are believed to have been acquired by T-Mobile USA, Inc.

controlling access to location information) such as to cause infringement of one or more of claims 1–18 of the ‘175 patent, literally or under the doctrine of equivalents. Further, there are no substantial noninfringing uses for Defendant’s products and services. Moreover, Samsung has known and should have known of the ‘175 patent, by at least by the date of the patent’s issuance, or from the issuance of the ‘284 patent, which followed the date that the patent’s underlying application was cited to Ericsson by the U.S. Patent and Trademark Office during prosecution of one of Samsung’s patent applications. More specifically, Samsung has known or should have known of the ‘175 patent since it was sued in a lawsuit brought by Traxcell against Samsung on other family related patents and a reasonable company would monitor the family of patents.

95. Samsung has caused and will continue to cause Traxcell damage by infringing the ‘175 patent.

### **VIII. PRAYER FOR RELIEF**

WHEREFORE, Traxcell respectfully requests that this Court:

- i. enter judgment that Defendants have infringed the Patents-in-Suit;
- ii. award Traxcell damages in an amount sufficient to compensate it for Defendants’ infringement of the Patents-in-Suit, in an amount no less than a reasonable royalty, together with prejudgment and post-judgment interest and costs under 35 U.S.C. § 284;
- iii. award Traxcell an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement by Defendants;

- iv. declare this case to be “exceptional” under 35 U.S.C. § 285 and award Traxcell its attorneys’ fees, expenses, and costs incurred in this action against each of Verizon, Ericsson, Nokia, and Samsung;
- v. declare this case to be “exceptional” under 35 U.S.C. § 285 and award Traxcell its attorneys’ fees, expenses, and costs incurred in this action against Defendants;
- vi. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendants’ and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendants, from infringing the claims of the Patents-in-Suit or (ii) award damages for future infringement in lieu of an injunction, in an amount consistent with the fact that for future infringement the Defendants will be adjudicated infringers of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law;
- vii. award Traxcell such other and further relief as this Court deems just and proper.

**JURY DEMAND**

Traxcell hereby requests a trial by jury on issues so triable by right.

Respectfully submitted,

**Ramey LLP**

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***Attorneys for Traxcell Technologies, LLC***

**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record who have appeared in this case are being served on this day of May 19, 2023, with a copy of the foregoing via ECF notification.

/s/ William P. Ramey, III  
William P. Ramey, III