

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

MOBILITY WORKX, LLC,

*Plaintiff,*

v.

AT&T INC., AT&T CORP.,  
AT&T COMMUNICATIONS  
LLC: AT&T MOBILITY LLC,  
AND AT&T SERVICES INC.,

*Defendants.*

Case No. 4:23-cv-00594

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Mobility Workx, LLC (“Mobility Workx”) files this complaint against Defendants A&T Inc., AT&T Corp., AT&T Communications LLC, AT&T Mobility LLC, and AT&T Services Inc. (collectively, “Defendants” or “AT&T”) for infringement of U.S. Patents Nos. 7,697,508 (the “’508 Patent”), 8,213,417 (the “’417 Patent”), and 7,231,330 (the “’330 Patent”) (collectively the “Patents in Suit”).

**I. PARTIES**

1. Plaintiff Mobility Workx LLC is a Florida limited liability company that maintains its principal place of business at 215 Circle Drive, Winters, TX 79567.

2. Mobility Workx is the owner of U.S. Patent No. 7,697,508, entitled “System, Apparatus, and Methods for Proactive Allocation of Wireless Communication Resources,” issued April 13, 2010. A copy of the ‘508 patent is attached hereto as Exhibit 1.

3. Mobility Workx is the owner of U.S. Patent No. 8,213,417, entitled “System, Apparatus, and Methods for Proactive Allocation of Wireless Communication Resources,” issued July 3, 2012. A copy of the ‘417 patent is attached hereto as Exhibit 2.

4. Mobility Workx is the owner of U.S. Patent No. 7,231,330, entitled “Rapid Mobility Network Emulator Method and System,” issued June 12, 2007. A copy of the ‘330 patent is attached hereto as Exhibit 3.

5. On information and belief, Defendant AT&T Inc. is a Delaware corporation with its principal place of business at 208 S. Akard Street, Dallas, Texas, 75202. AT&T Inc.’s registered agent for service is CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

6. On information and belief, Defendant AT&T Corp. is a New York corporation with a principal place of business at One AT&T Way, Bedminster, New Jersey 07921-0752. AT&T Corp.’s registered agent for service is CT Corporation System, 28 Liberty Street, New York, New York, 10005.

7. On information and belief, Defendant AT&T Communications, LLC,

is a Delaware limited liability company with a principal place of business at 295 North Maple Ave., Basking Ridge, NJ 07920. AT&T Communications, LLC's registered agent is The Corporation Trust Company, 1209 N Orange St., Wilmington, DE 19801.

8. On information and belief, Defendant AT&T Mobility LLC is a Delaware limited liability company with its principal place of business at 1025 Lenox Park Boulevard NE, Atlanta, Georgia 30319. AT&T Mobility LLC's registered agent for service is The Corporation Trust Company, located at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

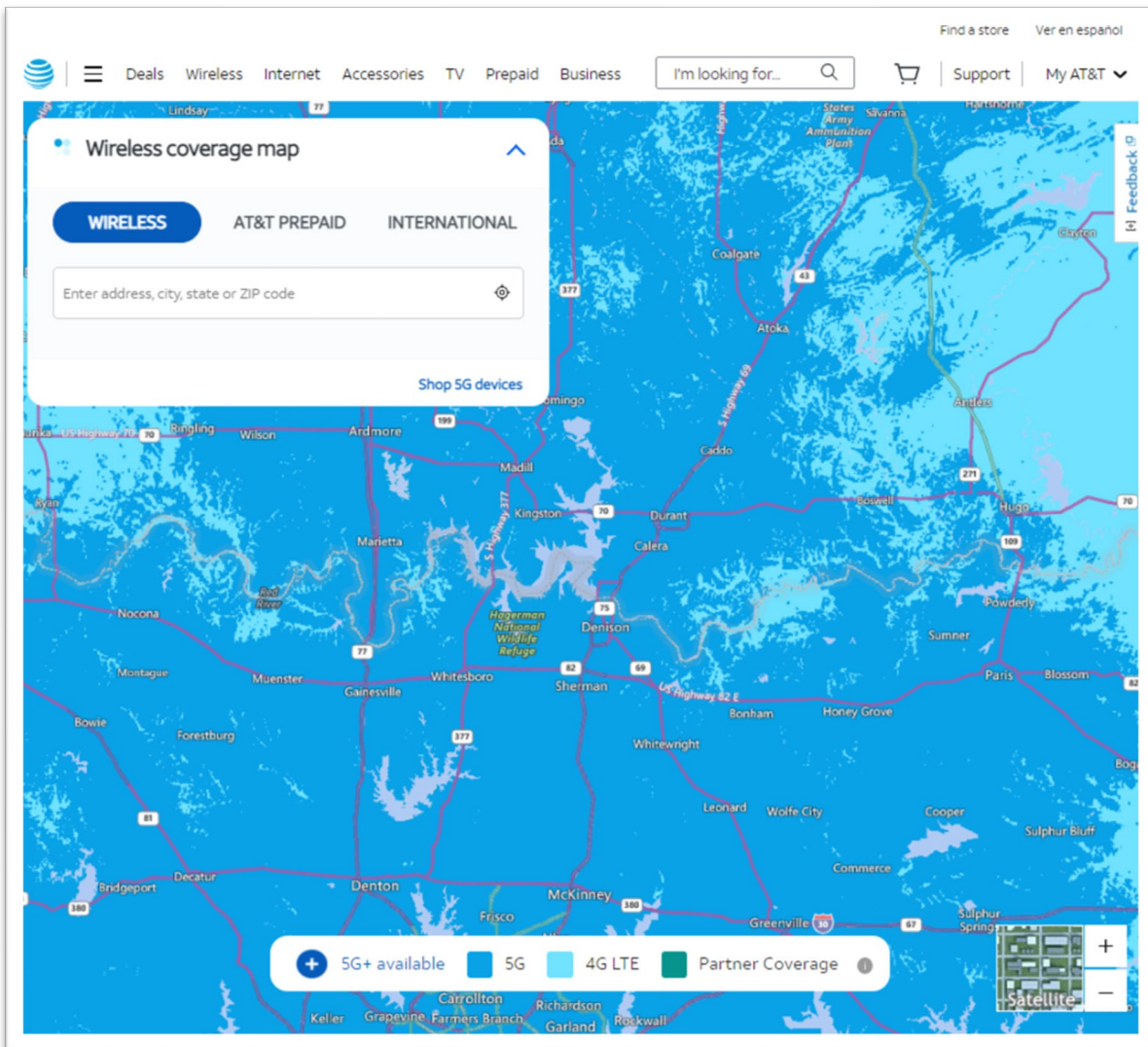
9. On information and belief, Defendant AT&T Services, Inc. is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 208 South Akard Street, Dallas, Texas 75202. AT&T Services, Inc.'s registered agent for service is CT Corporation System, located at 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

## **II. JURISDICTION AND VENUE**

10. Mobility Workx's patent infringement claims arise under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has jurisdiction over the subject matter of this Complaint under 28 U.S.C. §§ 1331 and 1338(a).

11. On information and belief, AT&T's operations in the Eastern District

of Texas are substantial and varied. AT&T operates one or more wireless telecommunications networks to provide wireless telecommunications services, including within the Eastern District of Texas, under brand names including but not limited to “AT&T.” AT&T also advertises, as shown below<sup>1</sup>, that its 5G and 4G LTE Nationwide networks are available within the Eastern District of Texas.



12. AT&T maintains multiple facilities in this judicial district, including

<sup>1</sup> Wireless Coverage Map, available at <https://www.att.com/maps/wireless-coverage.html> (last visited January 24, 2022)

numerous AT&T retail stores at 190 E Stacy Rd Suite 214, Allen, TX 75002; 1103 E Tyler St, Athens, TX 75751; 4460 Dowlen Rd, Beaumont, TX 77706; 351 TX-243 Suite 200, Canton, TX 75103; 2520 W University Dr Suite 1180, Denton, TX 76201; 3551 Preston Rd, Frisco, TX 75034; 1214 US-259 Suite 102, Kilgore, TX 75662; 318 N Main St Suite B, Lindale, TX 75771; 109 W Loop 281, Longview, TX 75605; 1712 E Grand Ave, Marshall, TX 75670; 3402 North St, Nacogdoches, TX 75965; 1335 S Broadway St Suite 10, Sulphur Springs, TX 75482; 5112 Summerhill Rd, Texarkana, TX 75503; and 4757 S Broadway Ave, Tyler, TX 75703. These stores are physical places within the district and are AT&T's regular and established places of business.

13. AT&T further maintains a foundry within this judicial district in Plano, Texas, “encompassing all aspects of an industry environment – from manufacturing to distribution to retail” and enabling AT&T's customers “to test potential 5G solutions.”<sup>2</sup> On information and belief, AT&T uses this foundry to design, test, use, offer to sell, and sell mobile network services and products that infringe the Patents in Suit. This foundry is a physical place within the district and is AT&T's regular and established place of business.

14. This Court has personal jurisdiction over AT&T because AT&T has

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<sup>2</sup> AT&T Foundry Launches Innovation Space for Vertical Industries, Sept. 20, 2018, *available at* [https://about.att.com/story/2018/plano\\_foundry.html](https://about.att.com/story/2018/plano_foundry.html) (last visited January 24, 2022).

committed acts of infringement within this District, has a regular and established place of business in this District, and has minimum contacts with the forum such that the exercise of jurisdiction over AT&T would not offend traditional notions of fair play and substantial justice. AT&T conducts substantial business throughout Texas by providing mobile network services and products in Texas and the Eastern District that infringe the Patents in Suit and AT&T derives substantial revenue from those infringing services and products.

15. Venue is proper in this District and division pursuant to 28 U.S.C. §§ 1391 and 1400, because AT&T has both committed acts of infringement and has a regular and established place of business in this District.

16. Namely, upon information and belief, AT&T has made, used, offered to sell, sold, or imported services and products that infringe valid and enforceable claims of the Patents in Suit in this District, and AT&T has a regular and established place of business in this District including the facilities described above.

### **III. COUNT I: INFRINGEMENT OF THE '508 PATENT**

17. Mobility Workx hereby restates, realleges, and incorporates by reference the foregoing paragraphs of the Complaint as if fully stated herein. Mobility Workx further alleges as follows:

18. Mobility Workx is the owner by assignment of all rights, title, and interest in the '508 Patent. The '508 Patent is presumed valid and enforceable.

19. Upon information and belief, AT&T makes, uses, offers for sale, sells, or imports certain services and products (“Accused Handover Services/Products”), including at least services that provide network handover, cellular base stations and small cells that perform network handover, and mobile devices that use network handover, in the United States and in this District that directly infringe one or more claims of the ‘508 Patent, literally or under the doctrine of equivalents, including at least claims 7 and 14 of the ‘508 Patent as set forth in the preliminary infringement claim chart attached as Exhibit 4.

20. Upon information and belief, AT&T knowingly and intentionally induces infringement of the ‘508 Patent in violation of 35 U.S.C. § 271(b). Prior to, or at least through, the filing and service of this complaint, AT&T knew of the ‘508 Patent and the infringing nature of the Accused Handover Services/Products. AT&T however continues to actively encourage users of its services and products to make and use the Accused Handover Services/Products so as to directly infringe the ‘508 Patent. AT&T does so with knowledge and intent that the users of its services and products commit these acts of infringement.

21. AT&T also continues to make, use, offer for sale, sell, and/or import the Accused Handover Services/Products despite knowing of the ‘508 Patent, thereby specifically intending for and inducing users of its services and products to infringe the ‘508 Patent through their ordinary use of the Accused Handover

Services/Products.

22. On information and belief, AT&T contributes to their users' infringement of the '508 Patent by making, using, offering to sell, selling, and/or importing the Accused Handover Services/Products that have no substantial non-infringing uses.

23. To the extent AT&T has infringed or continues to infringe after knowledge of the '508 Patent, such infringement is deliberate, knowing, and willful under 35 U.S.C § 271.

24. Mobility Workx, under 35 U.S.C. § 284, may recover damages adequate to compensate for AT&T's infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, AT&T, together with interest and costs as fixed by the Court.

25. The Court should declare this an exceptional case under 35 U.S.C. § 285, entitling Mobility Workx to recover treble damages and attorneys' fees.

#### **IV. COUNT II: INFRINGEMENT OF THE '417 PATENT**

26. Mobility Workx hereby restates, realleges, and incorporates by reference the foregoing paragraphs of the Complaint as if fully stated herein.

27. Mobility Workx is the owner by assignment of all rights, title, and interest in the '417 Patent. The '417 Patent was subject to an *Inter Partes* Review and claims 3 and 6 remain valid and enforceable.



28. Upon information and belief, AT&T makes, uses, offers for sale, sells, or imports Accused Handover Services/Products, in the United States and in this District that directly infringe one or more claims of the '417 Patent, literally or under the doctrine of equivalents, including at least claims 3 and 6 of the '417 Patent as set forth in the preliminary infringement claim chart attached as Exhibit 5.

29. Upon information and belief, AT&T knowingly and intentionally induces infringement of the '417 Patent in violation of 35 U.S.C. § 271(b). Prior to, or at least through, the filing and service of this complaint, AT&T knew of the '417 Patent and the infringing nature of the Accused Handover Services/Products. AT&T however continues to actively encourage users of its services and products to use the Accused Handover Services/Products so as to directly infringe the '417 Patent. AT&T does so with knowledge and intent that the users of its services and products commit these acts of infringement. AT&T also continues to make, use, offer for sale, sell, and/or import the Accused Handover Services/Products despite knowing of the '417 Patent, thereby specifically intending for and inducing users of its services and products to infringe the '417 Patent through their ordinary use of the Accused Handover Services/Products.

30. On information and belief, AT&T contributes to their users' infringement of the '417 Patent by making, using, offering to sell, selling, and/or importing the Accused Handover Services/Products that have no substantial non-

infringing uses.

31. To the extent AT&T has infringed or continues to infringe after knowledge of the '417 Patent, such infringement is deliberate, knowing, and willful under 35 U.S.C § 271.

32. Mobility Workx, under 35 U.S.C. § 284, may recover damages adequate to compensate for AT&T's infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, AT&T, together with interest and costs as fixed by the Court.

33. The Court should declare this an exceptional case under 35 U.S.C. § 285, entitling Mobility Workx to recover treble damages and attorneys' fees.

#### **V. COUNT III: INFRINGEMENT OF THE '330 PATENT**

34. Mobility Workx hereby restates, realleges, and incorporates by reference the foregoing paragraphs of the Complaint as if fully stated herein.

35. Mobility Workx is the owner by assignment of all rights, title, and interest in the '330 Patent. The '330 Patent is resumed valid and enforceable.

36. Upon information and belief, AT&T makes, uses, offers for sale, sells, or imports certain services and products ("Accused Testing and Certification Services/Products"), including at least device testing and certification services and systems, in the United States and in this District that directly infringe one or more claims of the '330 Patent, literally or under the doctrine of equivalents, including at

least claims 1 and 11 of the '330 Patent as set forth in the preliminary infringement claim chart attached as Exhibit 6.

37. Upon information and belief, AT&T knowingly and intentionally induces infringement of the '330 Patent in violation of 35 U.S.C. § 271(b). Prior to, or at least through, the filing and service of this complaint, AT&T knew of the '330 Patent and the infringing nature of the Accused Testing and Certification Services/Products. AT&T however continues to actively demand that device manufacturers and certifiers to use the Accused Testing and Certification Services/Products so as to directly infringe the '330 Patent. AT&T does so with knowledge and intent that the device manufacturers and certifiers commit these acts of infringement.

38. AT&T also continues to make, use, offer for sale, sell, and/or import the Accused Testing and Certification Services/Products despite knowing of the '330 Patent, thereby specifically intending for and inducing device manufacturers and certifiers to infringe the '330 Patent through their ordinary use of the Accused Testing and Certification Services/Products.

39. On information and belief, AT&T contributes to device manufacturers and certifiers infringement of the '330 Patent by making, using, offering to sell, selling, and/or importing the Accused Testing and Certification Services/Products that have no substantial non-infringing uses.

40. To the extent AT&T has infringed or continues to infringe after knowledge of the '417 Patent, such infringement is deliberate, knowing, and willful under 35 U.S.C § 271.

41. Mobility Workx, under 35 U.S.C. § 284, may recover damages adequate to compensate for the AT&T's infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, AT&T, together with interest and costs as fixed by the Court.

42. The Court should declare this an exceptional case under 35 U.S.C. § 285, entitling Mobility Workx to recover treble damages and attorneys' fees.

### **PRAYER FOR RELIEF**

Mobility Workx respectfully requests that the Court enter:

- a. A judgment in favor of Mobility Workx that AT&T has infringed, either literally and/or under the doctrine of equivalents, the Patents in Suit;
- b. A judgment and order requiring AT&T to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for AT&T's infringement of the Patents in Suit;
- c. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against AT&T;
- d. Any and all injunctive or equitable relief to which Mobility Workx is

entitled, including but not limited to ongoing royalties with respect to AT&T's infringement of the Patents in Suit; and,

e. Any and all other relief as the Court may deem appropriate and just under the circumstances.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all issues so triable.

Dated: June 23, 2023

Respectfully Submitted,

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