

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

WOODBURY WIRELESS LLC

Plaintiff,

v.

AT&T ENTERPRISES, LLC, AT&T  
MOBILITY LLC, AT&T MOBILITY II  
LLC, and AT&T SERVICES, INC.

Defendants.

**Civil Action No. 2:24-cv-771**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Woodbury Wireless LLC (“Woodbury Wireless” or “Plaintiff”), for its Complaint against Defendants AT&T Enterprises, LLC, AT&T Mobility LLC, AT&T Mobility II LLC, and AT&T Services, Inc. (individually each a “Defendant,” and collectively “AT&T” or “Defendants”) alleges 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. Plaintiff is a limited liability company organized and existing under the laws of the State of Texas, having its principal place of business at 102 East Lamar, Jasper, Texas 75951.

3. On information and belief, Defendant Defendant AT&T Enterprises LLC is a limited liability company organized and existing under the laws of Delaware. Since December 7, 2023, AT&T Enterprises LLC has been registered to do business in Texas under Texas SOS file number

0805330645. AT&T Enterprises LLC may be served through its registered agent for service, CT Corporation System, located at 1999 Bryan St., Suite 900, Dallas, Texas 75201.

4. Defendant AT&T Mobility LLC is a limited liability company organized and existing under the laws of Delaware. Since November 21, 2000, AT&T Mobility LLC has been registered to do business in Texas under Texas SOS file number 0707861123. AT&T Mobility LLC may be served through its registered agent for service, CT Corporation System, located at 1999 Bryan St., Suite 900, Dallas, Texas 75201.

5. Defendant AT&T Mobility II LLC is a limited liability company organized and existing under the laws of Delaware. AT&T Mobility II LLC is identified by the Texas Secretary of State as having an “ACTIVE” right to transact business in Texas under Texas taxpayer number 18416599704, associated with the Texas mailing address 101 N. Saint Mary’s St., Rm. 9-Y01, San Antonio, Texas 78215-2109. AT&T Mobility II LLC may be served through its registered agent for service, The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware, 19801. On information and belief, AT&T Mobility II LLC may also be served through AT&T Mobility LLC's registered agent for service, CT Corporation System, located at 1999 Bryan St., Suite 900, Dallas, Texas 75201.

6. Defendant AT&T Services, Inc. is a corporation organized and existing under the laws of Delaware. Since April 5, 1996, AT&T Services, Inc. has been registered to do business in Texas under Texas SOS file number 0010935606. AT&T Services, Inc. may be served through its registered agent for service, CT Corporation System, located at 1999 Bryan St., Suite 900, Dallas, Texas 75201.

### **JURISDICTION AND VENUE**

7. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

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

9. Venue is proper in this judicial district under 28 U.S.C. §1400(b).

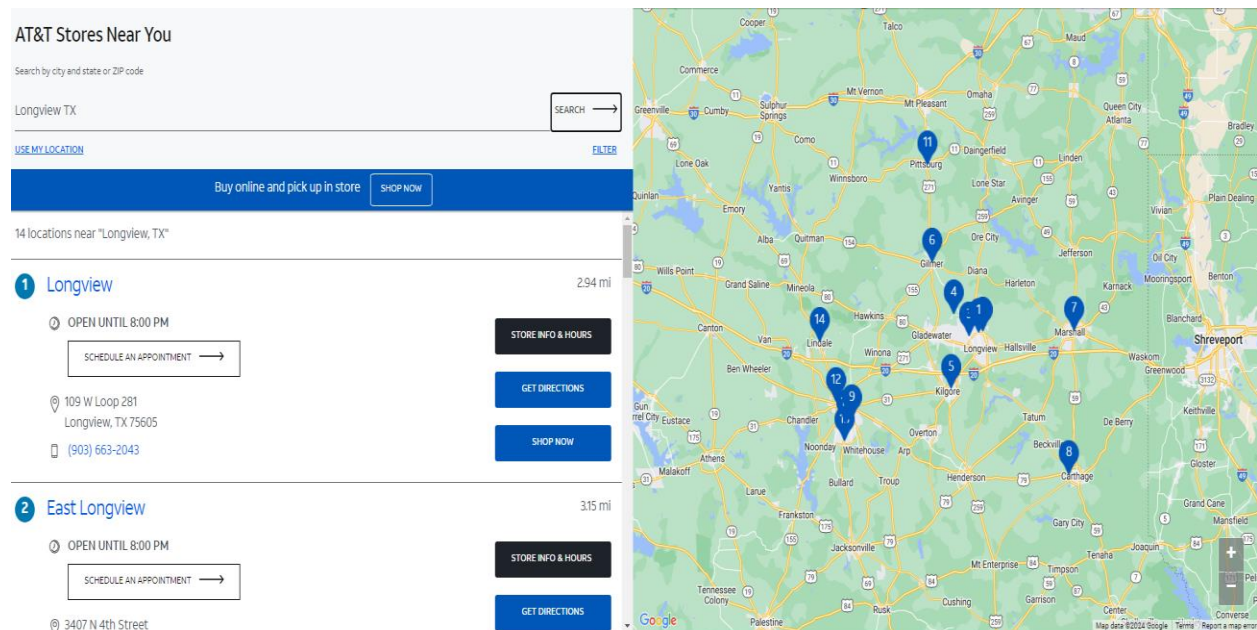
10. Each Defendant is subject to this Court's personal jurisdiction consistent with the principles of due process and/or the Texas Long Arm Statute.

11. Furthermore, this Court has general and specific personal jurisdiction over the Defendants under the laws of the State of Texas, due at least to their substantial business in Texas and in this judicial district, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in the State of Texas. AT&T has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district. Venue is also proper in this district because AT&T has a regular and established place of business and has committed acts of infringement in this district.

12. For example, AT&T has regular and established places of business at, among other places: in Marshall (*e.g.*, 1712 E Grand Ave, Marshall, TX 75670), Longview (*e.g.*, 3407 N 4th Street, Suite 107, Longview, TX 75605; 109 W Loop 281, Longview, TX 75605; and 2306 Gilmer Road, Longview, TX 75604), Tyler (*e.g.*, 301 N Northwest Loop 323, Tyler, TX 75702; 2028 E Southeast Loop 323, Tyler, TX 75701; 4757 South Broadway Ave, Tyler, TX 75703; and 8922 S Broadway Ave, Ste 112, Tyler, TX 75703), Beaumont (*e.g.*, 805 I10 South, Beaumont, TX 77701; and 4460 Dowlen Road, Beaumont, TX 77706), Lufkin (*e.g.*, 1905 Tulane Dr, Suite 103b, Lufkin, TX 75901; and 500 N Brentwood Dr, Lufkin, TX 75904), Sherman (*e.g.*, 301 East US Highway 82, Suite 1a, Sherman, TX 75092), Texarkana (*e.g.*, 4901 N Stateline Ave, Suite 900, Texarkana, TX 75503; 5112 Summerhill Rd, Texarkana, TX 75503; and 250 Richmond Ranch Rd, Texarkana,

TX 75503), Plano (*e.g.*, 701 N Central Expy, Ste 400, Plano, TX 75075; and 6000 N Central Expressway, Plano, TX 75074), McKinney (*e.g.*, 1681 N Central Expwy, Suite 450, Mckinney, TX 75070; 1801 N Hardin Blvd, Mckinney, TX 75071; and 3050 South Central Expressway, Ste 125, Mckinney, TX 75070), and Frisco (*e.g.*, 8445 Preston Road, Suite 220, Frisco, TX 75034; 12021 Dallas Pkwy, Suite 500, Frisco, TX 75034; 6635 Cowboys Way, Ste 120, Frisco, TX 75034; 3551 Preston Rd, Frisco, TX 75034; and 2601 Preston Road #2238, Frisco, TX 75034). *See, e.g.*, <https://www.att.com/stores/> (last accessed September 19, 2024).

13. AT&T also operates numerous brick and mortar retail stores in the Eastern District of Texas. These retail stores are physically located within this District, are regular and established places of business of AT&T, and are used by AT&T to actively market and sell services for the AT&T Wireless Networks that infringe the Patent-In-Suit. By way of example and without limitation, AT&T's website provides an "AT&T Stores Near You" feature that shows the locations of such AT&T retail stores within this District.



*See, e.g.*, <https://www.att.com/stores/> (last accessed September 19, 2024).

14. As another example, AT&T operates one or more wireless telecommunications networks, including but not limited to wireless networks doing business under the brand names “AT&T” and “Cricket Wireless” (collectively, the “AT&T Wireless Networks”). The AT&T Wireless Networks include network infrastructure and provide wireless coverage for 4G LTE, 5G, and “5G+” services throughout the United States, including within the Eastern District of Texas.

15. AT&T also advertises in the Eastern District of Texas, including but not limited to advertising the geographic coverage of the AT&T Internet Air within this District. By way of example and without limitation, AT&T’s website provides information about coverage including showing that AT&T Internet Air is available in this District.



**Good news! AT&T Internet Air™ is available at:**

7940 PRESTON RD FLR 11 PLANO, TX 75024 [Edit](#)

*See, e.g.,* <https://www.att.com/buy/internet/plans> (last accessed September 19, 2024).

16. AT&T also maintains a regular and established place of business in this District located at 2900 W Plano Pkwy, Plano, TX 75075, which it calls the “AT&T Foundry.” *See, e.g.,* [https://about.att.com/story/2018/plano\\_foundry.html](https://about.att.com/story/2018/plano_foundry.html) (last accessed September 19, 2024) (“At the AT&T Foundry in Plano, we’ve set up a new physical space encompassing all aspects of an industry environment – from manufacturing to distribution to retail. This fully integrated space showcases how AT&T’s digital technology and cybersecurity capabilities can address real-world challenges. We’ll collaborate with businesses to help them take advantage of existing and emerging technologies like 5G, artificial intelligence (AI), software-defined networking (SDN), and the Internet of Things (IoT) to drive their industry-specific digital transformation needs.”). On

information and belief, AT&T uses the AT&T Foundry to design, test, use, promote, and sell services for the AT&T Wireless Networks, including AT&T's 5G Wireless Network, that infringe the Patent-In-Suit.

17. AT&T also maintains a regular and established place of business in this District that it calls the "AT&T 5G Innovation Studio," which is also located in Plano, Texas. *See, e.g.*, [https://about.att.com/pages/5g\\_innovation\\_studio.html](https://about.att.com/pages/5g_innovation_studio.html) (last accessed September 19, 2024). AT&T describes the "AT&T 5G Innovation Studio" as following: "The studio, located in Plano, Texas, brings together the power of AT&T's business, consumer and network organizations to accelerate the path to market for new 5G-centric product offerings and key initiatives. ... In this space, we'll work with customers and industry collaborators to ideate, test and validate new 5G-centric applications across a variety of industries." (*Id.*) On information and belief, AT&T uses the AT&T 5G Innovation Studio to design, test, use, promote, and sell services for the AT&T Wireless Networks, including AT&T's 5G Wireless Network, that infringe the Patent-In-Suit.

18. AT&T has numerous employees who work in Texas, including within the Eastern District of Texas. In addition to its many retail stores in Texas and in this District, AT&T also has its corporate headquarters located in Dallas, Texas. *See* <https://life.att.jobs/get-a-peek-inside-atts-headquarters-in-dallas-article/> (last accessed September 15, 2024).

19. AT&T has solicited business in the Eastern District of Texas, has transacted business within this District, and has attempted to derive financial benefit from the residents of this District, including benefits directly related to AT&T's infringement of the Patent-In-Suit.

20. In other recent actions, AT&T has either admitted or not contested that the Eastern District of Texas is a proper venue for patent infringement actions against AT&T and each Defendant. *See, e.g., Daingean Technologies LTC. v. AT&T Inc.*, No. 2:23-cv-00123, Dkt. 22 ¶

24 (E.D. Tex. June 1, 2023) (“AT&T does not contest that venue is proper in this district for purposes of this litigation”); *Wireless Alliance, LLC v. AT&T Mobility LLC*, No. 2:23-cv-00095, Dkt. 11 ¶¶ 9-10 (E.D. Tex. May 26, 2023); *Innovative Sonic Ltd., et. al., v. AT&T Corp., et. al.*, No. 2:23-cv-00489, Dkt. 29 at ¶ 8 (E.D. Tex. January 18, 2024).

21. AT&T’s infringement has thus caused substantial injury to Woodbury Wireless, including in this judicial district.

## **BACKGROUND**

### **The Invention**

22. Roc Lastinger, John Spenik, and Brian C. Woodbury are the inventors of U.S. Patent No. 12,015,457 (“the ’457 patent”; Exhibit A) (“the Patent-In-Suit”) entitled “MIMO METHODS AND SYSTEMS.” A true and correct copy of the Patent-In-Suit is attached as Exhibit A.

23. The Patent-In-Suit resulted from the pioneering efforts of Messrs. Lastinger, Spenik, and Woodbury (hereinafter “the Inventors”) in the area of wireless communications using Multiple-Input Multiple-Output (MIMO) antennas and methods of operation. These efforts resulted in the development of “MIMO methods and systems” in the first decade of the 2000s. At the time of these pioneering efforts, conventional wireless devices used to address interference resulting from noise sources by, for example, dividing the area of coverage into sectors, using a directional antenna, and using multiple antennas to provide redundancy and spatial diversity. Those conventional wireless devices, however, would suffer reduced performance when communicating with multiple wireless devices. The Inventors conceived of the inventions claimed in the Patent-In-Suit as a way to reduce mutual interference between multiple wireless devices performance by communicating through, just by way of example, the MIMO physical sector and altering the transmission to increase performance.

24. For example, the Inventors developed a MIMO-capable system that includes directional antennas positioned in such a way that the physical sectors of the antennas of a wireless device overlap. The MIMO-capable system and methods enable the selection of a specific combination of antennas that operate as a single MIMO antenna and are oriented in a desired direction for communications. Because the physical sectors of the selected antennas that operate as a single MIMO antenna overlap, these physical sectors form a “MIMO physical sector.” As a result of the invention disclosed in the Patent-In-Suit, a wireless device is able to select an optimal combination of antennas and communication protocols in order to achieve a desired level of performance, even if noise sources or environmental conditions change.

25. As an additional example, the invention further provides for the assignment of any available channel to the selected antennas such that each individual antenna of a MIMO antenna operates on the same channel. Moreover, the invention discloses, among other things, overlapping MIMO physical sectors that use different channels such that the MIMO physical sectors may communicate with different wireless devices simultaneously with further reduced mutual interference due to alterations in the transmission. The inventions of the Patent-In-Suit thus enable wireless devices to reduce interference from noise sources by selecting a suitable channel, such as, for example, by selecting a channel that is different from the channel used by a noise source.

#### **Advantages Over the Prior Art**

26. The patented inventions disclosed in the Patent-In-Suit, provide many different advantages over the prior art, and in particular improved the operations of wireless devices such as those used in wireless communications between computers, wireless cells, access points, wireless clients, mobile computers, hand-held devices, other mobile devices, and file servers. (*See* ’457 patent at 1:35-44, 3:4-7.) One exemplary advantage is improved performance of a wireless



device as a result of the selection of an optimal combination of antennas to form a MIMO physical sector for wireless communications. (*See e.g., id.* at 4:14-37.) While the MIMO physical sector that results from the combination of the selected antennas' physical sectors may be formed in a variety of ways, certain orientations and configurations of the MIMO physical sectors can provide increased performance compared to other orientations of other MIMO physical sectors under particular circumstances. (*See e.g., id.*, 8:41-9, 9:35-41.) Thus, the inventions' abilities to position antennas to form MIMO virtual sectors and then selecting a specific combination of antennas to operate as a MIMO antenna (and thus form a MIMO physical sector), permits wireless devices to respond to changes in noise sources, environmental conditions, and other factors affecting their performance. (*Id.* at 4:64-5:2, 5:3-14, 8:41-9, 9:35-41, 9:56-62, 11:58-65).

27. In certain embodiments, the invention are highly adaptable because they permit a wireless device to use a flexible and dynamic array of criteria for selecting a MIMO physical/virtual sector for communications; for example, a wireless device may rely on the presence of noise sources, noise source channels used, signal-to-strength ratio, direction of primary data flow, signal quality, signal strength, and data throughput for its selection. (*See e.g., id.* at 10:65-11:4.) Thus, when the performance of a selected MIMO physical sector deteriorates, a wireless device can adapt and select different antennas to operate as a MIMO antenna, thereby allowing the device to adapt to changing conditions and increase the wireless device's performance. (*See e.g., id.* at 5:7-33.)

28. Another exemplary advantage of the patented invention is that a wireless device may reduce interference by assigning optimal channels for one or more MIMO physical sectors. (*See e.g., id.* at 9:35-62, 11:28-65.) Wireless devices may thus select a channel that is different from the channel used by noise sources or may assign a channel to each of its own MIMO physical

sectors in a manner that reduces interference, thus providing a desired level of performance. (*See e.g., id.* at 11:28-65; *see also* 8:41-9, 9:35-41, 9:56-62.)

29. Because of these significant advantages that can be achieved through the use of the patented invention, the Patent-In-Suit present significant commercial value for companies like AT&T. Indeed, its wireless network products are touted for providing increased data speeds, reliability, and a uniform user experience. The improvements in performance that are achievable through the pioneering developments described in the Patent-In-Suit are the cause.

### **Technological Innovation**

30. The patented inventions disclosed in the various embodiments in the Patent-In-Suit resolves technical problems related to wireless communications, particularly problems related to the utilization of wireless devices with MIMO antennas communicating with multiple other devices. As the Patent-In-Suit details, one of the limitations of the prior art was the ineffective methods for adapting to changing sources of interference such as noise sources and environmental conditions. (*See e.g., id.* at 2:47-55, 4:64-5:2.)

31. These are specific technological problems that persisted in this field, which were solved by the inventions disclosed and claimed in the Patents-in-Suit. The claims of the Patent-In-Suit recite inventive concepts that are deeply rooted in engineering technology and overcome problems specifically arising out of how to maintain desired performance levels in the face of dynamic conditions including changing noise sources, environmental conditions, or deteriorating equipment performance.

32. In addition, the claims of the Patent-In-Suit recite inventive concepts that improve the functioning of wireless devices such as wireless cells, access points, wireless clients, wireless stations, cellular networks, mobile computers, hand-held devices, and portable wireless devices

particularly by allowing such wireless devices to adapt to changing conditions in order to maintain an optimum level of performance and improve communications with multiple other devices.

33. Moreover, the invention recited by the claims of the Patent-In-Suit are not merely routine or conventional uses of general-purpose computer technology to implement an abstract idea. Instead, the patented invention disclosed in the Patent-In-Suit provide novel solutions to specific problems related to providing greater network performance such as by improving signal-to-noise ratio, reducing signal and data errors, decreasing retransmission requests, decreasing interference, increasing transmission rates, increasing signal strength, and the like.

34. Nor do the patented invention claimed in the Patent-In-Suit preempt all the ways that networks may be improved, nor do the Patent-In-Suit preempt any other well-known or prior art technology. The Patent-In-Suit disclose and claim specific solutions to specific technological problems that companies have only begun to attempt to address years later.

35. The claims in the Patent-In-Suit recite combinations of elements sufficient to ensure that each claim in substance and in practice amounts to significantly more than a patent-ineligible abstract idea.

#### **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 12,015,457**

36. The allegations set forth in the foregoing paragraphs are incorporated into this Claim for Relief.

37. On May 22, 2019, Roc Lastinger, John Spenik, and Brian C. Woodbury filed United States Patent Application No. 16/420,135 (“the ’135 Application”). On June 18, 2024, the ’135 Application was duly and legally issued by the United States Patent and Trademark Office as the ’457 patent under the title “MIMO Methods and Systems.”

38. Woodbury Wireless is the assignee and owner of the right, title and interest in and to the '457 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

39. The '457 patent is valid and enforceable. A true and correct copy of the '457 patent is attached hereto as Exhibit A.

40. Upon information and belief, AT&T has and continues to directly infringe one or more claims of the '457 patent without authority by making, using (including without limitation testing), selling, importing, and/or offering to sell products and systems, including by way of example, the Accused Instrumentalities. (*See* exemplary Claim Chart for the '457 patent, attached hereto as Exhibit B.)

41. AT&T has and continues to directly infringe, either literally or under the doctrine of equivalents, at least Claim 1 of the '457 patent by making, using (including without limitation testing), selling, importing, and/or offering to sell the Accused Instrumentalities. (*See* Exhibit B.) As demonstrated by Exhibit B, each and every element of Claim 1 of the '457 patent is found in the Accused Instrumentalities. This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by AT&T with respect to the '457 patent. Woodbury Wireless reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '457 patent.

42. AT&T has had actual knowledge of the '457 patent at least as early as the date of service of this Complaint.

43. AT&T's acts of infringement have occurred within this District and elsewhere throughout the United States.

44. Woodbury Wireless has been harmed by AT&T's infringing activities.

**JURY DEMAND**

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

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment for itself and against Defendants as follows:

- A. An adjudication that each Defendant has infringed the Patent-In-Suit;
- B. An award of damages to be paid by Defendants adequate to compensate Plaintiff for Defendants' past infringement of the Patent-In-Suit, 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 Plaintiff's reasonable attorneys' fees; and
- D. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

Dated: September 20, 2024

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