

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

**LINKSMART WIRELESS  
TECHNOLOGY, LLC,**

**Plaintiff,**

**v.**

**SBC INTERNET SERVICES, INC. d/b/a  
AT&T INTERNET SERVICES**

**Defendant.**

**Civil Action No: 2:08-cv-00385**

**The Honorable  
United States District Judge**

**JURY**

**COMPLAINT AND DEMAND FOR JURY TRIAL**

This is an action for patent infringement, in which Linksmart Wireless Technology, LLC makes the following allegations against SBC Internet Services, Inc. d/b/a AT&T Internet:

**PARTIES**

1. Plaintiff Linksmart Wireless Technology, LLC (“Linksmart Wireless”) is a California limited liability company with its principal place of business at 3452 E. Foothill Blvd., Suite 320, Pasadena, California 91107.

2. On information and belief, defendant SBC Internet Services, Inc. d/b/a AT&T Internet Services (“SBC”) is a California corporation with a principal place of business at 2623 Camino Ramon, San Ramon, California 94583.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391 (b) and (c) and 1400(b). On information and belief, SBC has a regular and established place of business in this district,

has transacted business in this district, and/or has committed and/or induced acts of patent infringement in this district.

5. On information and belief, SBC is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringing activities 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 Texas and in this district.

### **COUNT I**

#### **INFRINGEMENT OF U.S. PATENT NO. 6,779,118**

6. Linksmart Wireless is the owner by assignment of United States Patent No. 6,779,118 ("the '118 Patent") entitled "User Specific Automatic Data Redirection System." The '118 Patent issued on August 17, 2004 from United States Patent Application No. 09/295,966. A true and correct copy of the '118 Patent is attached hereto as Exhibit A.

7. Koichiro Ikudome and Moon Tai Yeung are listed as the inventors on the '118 Patent.

8. SBC has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '118 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, importing, offering to sell, or selling wireless Internet access systems which utilize captive portal techniques to block and/or redirect HTTP requests. These wireless Internet access systems are covered by one or more claims of the '118 Patent, and SBC is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. SBC is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

9. SBC has actively induced and is actively inducing infringement of the '118 Patent and is liable for contributory infringement of the '118 Patent.

10. As a result of SBC's direct and/or indirect infringement of the '118 Patent, Linksmart Wireless has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless SBC's activities are enjoined by this Court.

11. Unless a permanent injunction is issued enjoining SBC and its agents, servants, employees, attorneys, representatives, affiliates, and all others acting on its behalf from infringing the '118 Patent, Linksmart Wireless will continue to suffer damages and will be greatly and irreparably harmed.

### **PRAYER FOR RELIEF**

WHEREFORE, Linksmart Wireless respectfully requests that this Court enter:

1. A judgment in favor of Linksmart Wireless that SBC has infringed, directly and/or indirectly, by way of inducing and/or contributing to the infringement of the '118 Patent, and that such infringement was willful;

2. A permanent injunction enjoining SBC and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or privity with any of them from infringing, inducing the infringement of, or contributing to the infringement of the '118 Patent.

3. A judgment and order requiring SBC to pay Linksmart Wireless its damages, costs, expenses, and prejudgment and post-judgment interest for SBC's infringement of the '118 Patent as provided under 35 U.S.C. § 284.

4. An award to Linksmart Wireless for enhanced damages resulting from the knowing, deliberate, and willful nature of SBC's prohibited conduct with notice being made at least as early as the date of the filing of this Complaint, as provided under 35 U.S.C. § 284;

5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Linksmart Wireless its reasonable attorneys' fees; and

6. Any and all other relief to which Linksmart Wireless may show itself to be entitled.

