

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

**LINKSMART WIRELESS  
TECHNOLOGY, LLC,**

**Plaintiff,**

**v.**

- 1. TJ HOSPITALITY LTD.;**
- 2. MMD HOTEL KILGORE LP;**
- 3. HERITAGE INN NUMBER XIV;**
- 4. EIGHT PACK TYLER LP;**
- 5. HERITAGE INN NUMBER X;**
- 6. B D & SONS LTD.;**
- 7. HERITAGE INN NUMBER XII;**
- 8. CARLEX HOSPITALITY LLC;**
- 9. PRUS, LLC;**
- 10. MERITAX, LLC;**
- 11. 281 LODGING PARTNERSHIP,  
LTD.;**
- 12. LONGVIEW HOTEL PARTNERS  
INC.;**
- 13. HWY 259 LODGING LLC;**
- 14. NYR PROPERTY CORP.;**
- 15. I-30 HOSPITALITY LLC;**
- 16. AMIT C. PATEL;**
- 17. JYOTIKA A. PATEL;**
- 18. KRISHAN INC.;**

**Defendants.**

**Civil Action No: 02:10-cv-00277**

**The Honorable  
United States District Judge**

**JURY**

### **COMPLAINT AND DEMAND FOR JURY TRIAL**

This is an action<sup>1</sup> for patent infringement, in which Linksmart Wireless Technology, LLC (“Linksmart Wireless”) makes the following allegations against TJ Hospitality Ltd., MMD Hotel Kilgore, LP, Heritage Inn Number XIV, Eight Pack Tyler LP, Heritage Inn Number X, B D & Sons Ltd., Heritage Inn Number XII, Carlex Hospitality LLC, Prus, LLC, MeriTax, LLC, 281 Lodging Partnership, Ltd., Longview Hotel Partners, Inc., Hwy 259 Lodging LLC, NYR Property Corp., I-30 Hospitality LLC, Amit C. Patel, Jyotika A. Patel, and Krishan Inc. (collectively referred to herein as “Defendants”).

### **RELATED CASES**

1. On or about July 1, 2008, Linksmart Wireless initiated a patent infringement action based upon United States Patent No. 6,779,118 (“the ’118 Patent”), naming as defendants, among others, Best Western International, Inc., Choice Hotels International, Inc., Intercontinental Hotels Group PLC, Marriot International, Inc., and Ramada Worldwide, Inc. in Case No. 2:08-cv-264, and on or about January 21, 2009, Linksmart Wireless initiated a patent infringement action based upon the ’118 Patent, naming as defendants Six Continents Hotels, Inc. and Intercontinental Hotels Group Resources, Inc. in Case No. 2:09-cv-26. The hotel defendants in Case Nos. 2:08-cv-264 and 2:09-cv-26 have claimed, among others, that they are not liable for the infringing acts of their franchisee or member hotels, including Defendants in the present action.

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<sup>1</sup> As set forth in the accompanying Civil Coversheet and Certification and Notice of Interested Parties, this action is related to four (4) pending actions before this Court, all of which are consolidated: (1) *Linksmart Wireless Technology, Inc. v. T-Mobile USA, Inc.*, 2:08-cv-00264; (2) *Linksmart Wireless Technology, Inc. v. Cisco Systems, Inc.*, 2:08-cv-0304; (3) *Linksmart Wireless Technology, Inc. v. SBC internet Services, Inc. d/b/a AT&T Internet Services*, 2:08-cv-00385; and (4) *Linksmart Wireless Technology, Inc. v. Six Continents Hotels, Inc. and Intercontinental Hotels Group Resources, Inc.*, 2:09-cv-00026.

**PARTIES**

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

3. On information and belief, defendant TJ Hospitality Ltd. (“TJ Hospitality”) is a Texas limited partnership with its principal place of business at 15303 Dallas Parkway, Suite 1050, Addison, Texas 75001; Tel: 903-593-3600.

4. On information and belief, defendant MMD Hotel Kilgore, LP (“MMD”) is a Texas limited partnership with its principal place of business at 3501 Highway 259 North Kilgore, Texas 75662.

5. On information and belief, defendant Heritage Inn Number XIV (“Heritage XIV”) is a North Dakota limited partnership with its principal place of business at 1202 Westrac Drive, SW, Fargo, North Dakota 58103.

6. On information and belief, defendant Eight Pack Tyler LP (“Eight Pack”) is a Delaware limited partnership with its principal place of business at 13217 Ridge Drive, Rockville, Maryland 20850.

7. On information and belief, defendant Heritage Inn Number X (“Heritage X”) is a North Dakota limited partnership with its principal place of business at 1202 Westrac Drive SW, Fargo, North Dakota 58106-9118.

8. On information and belief, defendant B D & Sons Ltd. (“B D & Sons”) is a Texas limited partnership with its principal place of business at 203 North Spur 63, Longview, Texas 75601.

9. On information and belief, defendant Heritage Inn Number XII (“Heritage XII”) is a North Dakota limited partnership with its principal place of business at 1202 Westrac Drive SW, Fargo, ND 58103.

10. On information and belief, defendant Carlex Hospitality LLC (“Carlex”) is a Texas limited liability company with its principal place of business at 3101 Estes Parkway, Longview, Texas 75602.

11. On information and belief, defendant Prus, LLC (“Prus”) is a Texas limited liability company with its principal place of business at 5904 East End Boulevard South, Marshall, Texas 75670.

12. On information and belief, defendant MeriTax, LLC (“MeriTax”) is a Texas limited liability company with its principal place of business at 14800 Landmark Boulevard, Suite 550, Dallas, Texas 75254-7586.

13. On information and belief, defendant 281 Lodging Partnership, Ltd. (“281 Lodging”) is a Texas limited partnership with its principal place of business at 3298 US Highway 259 North, Kilgore, Texas 75662.

14. On information and belief, defendant Longview Hotel Partners, Inc. (“Hotel Partners”) is a Texas corporation with its principal place of business at 900 South Access Road, Longview, Texas 75602.

15. On information and belief, defendant Hwy 259 Lodging LLC (“Hwy 259 Lodging”) is a Texas limited liability company with its principal place of business at 3298 US Highway 259 North, Kilgore, Texas 75662-8712.

16. On information and belief, defendant NYR Property Corp. (“NYR Property”) is a Texas corporation with its principal place of business at 2216 Royal Lane, Suite 100, Dallas, Texas 75229.

17. On information and belief, defendant I-30 Hospitality LLC (“I-30 Hospitality”) is a Texas limited liability company with its principal place of business at 1018 US Highway 271 South, Gilmer, Texas 75644.

18. On information and belief, defendants Amit C. Patel and Jyotika A. Patel (collectively, “Patel”) both reside in Texas and own and operate the Best Western Inn of Kilgore located at 1411 North Highway 259, Kilgore, Texas 75662.

19. On information and belief, defendant Krishan Inc. (“Krishan”) is a Texas corporation with its principal place of business at 6012 East End Boulevard South, Marshall, Texas 75672-8305.

### **JURISDICTION AND VENUE**

20. 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).

21. Venue is proper in this district under 28 U.S.C. §§ 1391 (b) and (c) and 1400(b). On information and belief, each Defendant 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.

22. On information and belief, each Defendant 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**

##### **(Against All Defendants)**

23. Linksmart Wireless is the owner by assignment of 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 (“the ’966 Application”). A true and correct copy of the ’118 Patent is attached hereto as Exhibit A.

24. Koichiro Ikudome and Moon Tai Yeung are listed as the inventors on the ’118 Patent.

25. Defendant TJ Hospitality 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 TJ Hospitality is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant TJ Hospitality is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

26. Defendant MMD 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 MMD is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant MMD is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

27. Defendant Heritage XIV 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 Heritage XIV is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant Heritage XIV is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

28. Defendant Eight Pack 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 Eight Pack is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant Eight Pack is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

29. Defendant Heritage X 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 Heritage X is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant Heritage X is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

30. Defendant B D & Sons 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 B D & Sons is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant B D & Sons is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

31. Defendant Heritage XII 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 Heritage XII is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant Heritage XII is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

32. Defendant Cartex 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 Cartex is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant Cartex is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

33. Defendant Prus 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 Prus is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant Prus is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.



34. Defendant MeriTax 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 MeriTax is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant MeriTax is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

35. Defendant 281 Lodging 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 281 Lodging is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant 281 Lodging is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

36. Defendant Longview Hotel Partners 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 Longview Hotel Partners is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant Longview Hotel Partners is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

37. Defendant Hwy 259 Lodging 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 Hwy 259 Lodging is making, using, importing, offering to sell, or selling them to the injury of Linksmart Wireless. Defendant Hwy 259 Lodging is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

38. Defendant NYR Property 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, using, importing, offering to sell, selling, or inducing others to use 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 NYR Property is using, importing, offering to sell, selling, or inducing others to use them to the injury of Linksmart Wireless. Defendant NYR Property is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

39. Defendant I-30 Hospitality 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, using, importing, offering to sell, selling, or inducing others to use 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 I-30 Hospitality is using, importing, offering to sell, selling, or inducing others to use them to the injury of Linksmart Wireless. Defendant I-30 Hospitality is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

40. Defendant Patel 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, using, importing, offering to sell, selling, or inducing others to use 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 Patel is using, importing, offering to sell, selling, or inducing others to use them to the injury of Linksmart Wireless. Defendant Patel is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

41. Defendant Krishan 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, using, importing, offering to sell, selling, or inducing others to use 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 Krishan is using, importing, offering to sell, selling, or inducing others to use them to the injury of Linksmart Wireless. Defendant Krishan is thus liable for infringement of the '118 Patent pursuant to 35 U.S.C. § 271.

42. Defendants have actively induced and are actively inducing infringement of the '118 Patent and are liable for contributory infringement of the '118 Patent.

43. As a result of Defendants' 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 Defendants' infringing activities are enjoined by this Court.

44. Unless a permanent injunction is issued enjoining these Defendants and their agents, servants, employees, attorneys, representatives, affiliates, and all others acting on their behalf from infringing the '118 Patent, Linksmart Wireless 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 each of the Defendants 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 Defendants and their 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 Defendants to pay Linksmart Wireless its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' 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 Defendants' 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.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: July 29, 2010

Respectfully submitted,

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