

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

ADAPTIX, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 6:13-cv-49
)	
ERICSSON, INC. ,)	JURY TRIAL DEMANDED
TELEFONAKTIEBOLAGET)	
LM ERICSSON, AT&T, INC,)	
AT&T MOBILITY LLC and)	
METROPCS COMMUNICATIONS,)	
INC.,)	
)	
Defendants.)	
)	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which plaintiff, ADAPTIX, Inc. (“ADAPTIX”), complains against defendants, Ericsson, Inc. (“Ericsson”), Telefonaktiebolaget LM Ericsson (“LM Ericsson”), AT&T, Inc., AT&T Mobility LLC and MetroPCS Communications, Inc. (“MetroPCS”) , as follows:

THE PARTIES

1. ADAPTIX is a Delaware corporation with its principal place of business at 4100 Midway Road, Suite 2010, Carrollton, Texas 75007.

2. On information and belief, Ericsson is a Delaware corporation with its headquarters and principal place of business at 6300 Legacy Drive, Plano, Texas 75024. Ericsson’s registered agent for service of process in Texas is Capitol Corporate Services, Inc., 800 Brazos, Suite 400, Austin, Texas 78701.

3. On information and belief, LM Ericsson is a Swedish corporation with its principal place of business at Torshamskatan 23, Kista, 164 83 Stockholm, Sweden. Upon information and belief, LM Ericsson does not have a registered agent for service of process in Texas

4. On information and belief, AT&T, Inc. is a Delaware corporation with its principal place of business at 208 Akard Street, Dallas, Texas 75202 and regularly does business throughout this judicial district. AT&T, Inc.'s registered agent for service of process in Texas is CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

5. On information and belief, AT&T Mobility LLC is a Delaware corporation with its principal place of business at 1025 Lenox Park Blvd., NE, Atlanta, Georgia 30319 and does business in this judicial district at 5976 West Parker Road, Plano, Texas 75903, and by, among other things, committing directly and/or indirectly, the tort of patent infringement giving rise to this complaint. AT&T Mobility LLC's registered agent for service of process in Texas is CT Corporation System, 350 N. St. Paul St., Dallas, Texas 75201.

6. On information and belief, MetroPCS is a Delaware corporation with its headquarters and principal place of business at 2250 Lakeside Blvd., Richardson, Texas 75082. MetroPCS's registered agent for service of process in Texas is Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

7. 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 and 1338(a).

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b, c) and 1400(b). On information and belief, each defendant has purposely transacted business in this judicial district and has committed acts of direct and/or indirect infringement in this judicial district.

9. 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 their substantial business in this forum, including: (A) at least part of their infringing activities alleged herein, and (B) regularly doing or soliciting business, engaging in others persistent causes of conduct, and/or deriving substantial revenue from goods and services provided to persons and other entities in Texas and this judicial district.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 7,146,172)

10. ADAPTIX is the owner by assignment of United States patent number 7,146,172, entitled "MULTI-CARRIER COMMUNICATIONS WITH ADAPTIVE CLUSTER CONFIGURATION AND SWITCHING" ("the '172 patent") with ownership of all substantial rights in the '172 patent, including the right to exclude others and to sue and recover damages for the past and future infringement thereof. A true and correct copy of the '172 patent is attached as Exhibit A.

11. On information and belief, Ericsson and LM Ericsson are jointly, directly and/or indirectly infringing at least one claim of the '172 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of products which, at a minimum, directly infringe the '172 patent. Ericsson and LM Ericsson are thereby liable for infringement of the '172 patent

pursuant to 35 U.S.C. § 271 and their infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until Ericsson and LM Ericsson are enjoined.

12. On information and belief, AT&T, Inc., AT&T Mobility LLC and MetroPCS are directly and/or indirectly infringing at least one claim of the '172 patent in this judicial district and elsewhere in Texas and the United States by, among other things using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of Ericsson products which, at a minimum, directly infringe the '172 patent. AT&T, Inc., AT&T Mobility LLC and MetroPCS are thereby liable for infringement of the '172 patent pursuant to 35 U.S.C. § 271 and their infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until AT&T, Inc., AT&T Mobility LLC and MetroPCS are enjoined.

13. On information and belief, defendants directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with defendants' instructions directly infringe one or more claims of the '172 patent in violation of 35 U.S.C. § 271.

14. The infringement by each defendant identified in this Count has caused irreparable injury to ADAPTIX for which remedies at law are inadequate. Considering the balance of the hardships between the parties, a remedy in equity, such as a permanent injunction is warranted and such a remedy would be in the public interest.

COUNT II
(INFRINGEMENT OF U.S. PATENT NO. 7,573,851)

15. ADAPTIX is the owner by assignment of United States patent number 7,573,851 entitled “METHOD AND SYSTEM FOR SWITCHING ANTENNA AND CHANNEL ASSIGNMENTS IN BROADBAND WIRELESS NETWORKS” (“the ‘851 patent”) with ownership of all substantial rights in the ‘851 patent, including the right to exclude others and to sue and recover damages for the past and future infringement thereof. A true and correct copy of the ‘851 patent is attached as Exhibit B.

16. On information and belief, Ericsson and LM Ericsson are jointly, directly and/or indirectly infringing at least one claim of the ‘851 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of products which, at a minimum, directly infringe the ‘851 patent. Ericsson and LM Ericsson are thereby liable for infringement of the ‘851 patent pursuant to 35 U.S.C. § 271 and their infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until Ericsson and LM Ericsson are enjoined.

17. On information and belief, AT&T, Inc., AT&T Mobility LLC and MetroPCS are directly and/or indirectly infringing at least one claim of the ‘851 patent in this judicial district and elsewhere in Texas and the United States by, among other things using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of Ericsson products which, at a minimum, directly infringe the ‘851 patent. AT&T, Inc., AT&T Mobility LLC and MetroPCS are thereby liable for

infringement of the '851 patent pursuant to 35 U.S.C. § 271 and their infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until AT&T, Inc., AT&T Mobility LLC and MetroPCS are enjoined.

18. On information and belief, defendants directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with defendants' instructions directly infringe one or more claims of the '851 patent in violation of 35 U.S.C. § 271.

19. The infringement by each defendant identified in this Count has caused irreparable injury to ADAPTIX for which remedies at law are inadequate. Considering the balance of the hardships between the parties, a remedy in equity, such as a permanent injunction is warranted and such a remedy would be in the public interest.

COUNT III
(INFRINGEMENT OF U.S. PATENT NO. 6,904,283)

20. ADAPTIX is the owner by assignment of United States patent number 6,904,283 entitled "MULTI-CARRIER COMMUNICATIONS WITH GROUP-BASED SUBCARRIER ALLOCATION" ("the '283 patent") with ownership of all substantial rights in the '283 patent, including the right to exclude others and to sue and recover damages for the past and future infringement thereof. A true and correct copy of the '283 patent is attached as Exhibit C.

21. On information and belief, Ericsson and LM Ericsson are jointly, directly and/or indirectly infringing at least one claim of the '283 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without

limitation the RBS 6000 family of products which, at a minimum, directly infringe the '283 patent. Ericsson and LM Ericsson are thereby liable for infringement of the '283 patent pursuant to 35 U.S.C. § 271 and their infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until Ericsson and LM Ericsson are enjoined.

22. On information and belief, AT&T, Inc., AT&T Mobility LLC and MetroPCS are directly and/or indirectly infringing at least one claim of the '283 patent in this judicial district and elsewhere in Texas and the United States by, among other things using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of Ericsson products which, at a minimum, directly infringe the '283 patent. AT&T, Inc., AT&T Mobility LLC and MetroPCS are thereby liable for infringement of the '283 patent pursuant to 35 U.S.C. § 271 and their infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until AT&T, Inc., AT&T Mobility LLC and MetroPCS are enjoined.

23. On information and belief, defendants directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with defendants' instructions directly infringe one or more claims of the '283 patent in violation of 35 U.S.C. § 271.

24. The infringement by each defendant identified in this Count has caused irreparable injury to ADAPTIX for which remedies at law are inadequate. Considering the balance of the hardships between the parties, a remedy in equity, such as a permanent injunction is warranted and such a remedy would be in the public interest.

COUNT IV
(INFRINGEMENT OF U.S. PATENT NO. 7,072,315)

25. ADAPTIX is the owner by assignment of United States patent number 7,072,315 entitled “MEDIUM ACCESS CONTROL FOR ORTHOGONAL FREQUENCY-DIVISION MULTIPLE-ACCESS (OFDMA) CELLULAR NETWORKS” (“the ‘315 patent”) with ownership of all substantial rights in the ‘315 patent, including the right to exclude others and to sue and recover damages for the past and future infringement thereof. A true and correct copy of the ‘315 patent is attached as Exhibit D.

26. On information and belief, Ericsson and LM Ericsson are jointly, directly and/or indirectly infringing at least one claim of the ‘315 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of products which, at a minimum, directly infringe the ‘315 patent. Ericsson and LM Ericsson are thereby liable for infringement of the ‘315 patent pursuant to 35 U.S.C. § 271 and their infringement has caused damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until Ericsson and LM Ericsson are enjoined.

27. On information and belief, AT&T, Inc., AT&T Mobility LLC and MetroPCS are directly and/or indirectly infringing at least one claim of the ‘315 patent in this judicial district and elsewhere in Texas and the United States by, among other things using, offering for sale, selling and/or importing computerized communications devices including without limitation the RBS 6000 family of Ericsson products which, at a minimum, directly infringe the ‘315 patent. AT&T, Inc., AT&T Mobility LLC and MetroPCS are thereby liable for infringement of the ‘315 patent pursuant to 35 U.S.C. § 271 and their infringement has caused

damage to ADAPTIX, which infringement by defendants and damage to ADAPTIX will continue unless and until AT&T, Inc., AT&T Mobility LLC and MetroPCS are enjoined.

28. On information and belief, defendants directly contribute and induce infringement through supplying infringing systems and components to customers. Defendants' customers who purchase systems and components thereof and operate such systems and components thereof in accordance with defendants' instructions directly infringe one or more claims of the '283 patent in violation of 35 U.S.C. § 271.

29. The infringement by each defendant identified in this Count has caused irreparable injury to ADAPTIX for which remedies at law are inadequate. Considering the balance of the hardships between the parties, a remedy in equity, such as a permanent injunction is warranted and such a remedy would be in the public interest.

PRAYER FOR RELIEF

Wherefore, ADAPTIX respectfully requests that this Court enter:

A. Judgment in favor of ADAPTIX that each defendant has infringed the '172, '851, '283 and '315 patents as aforesaid;

B. A permanent injunction enjoining each defendant, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents and all others acting in active concert or privity therewith from direct, indirect and/or joint infringement of the '172, '851, '283 and '315 patents pursuant to 35 U.S.C. § 283;

C. Judgment and order requiring each defendant to pay ADAPTIX its damages with pre- and post-judgment interest thereon pursuant to 35 U.S.C. § 284;

D. Any and all further relief to which the Court may deem ADAPTIX entitled.

DEMAND FOR JURY TRIAL

ADAPTIX requests a trial by jury on all issues so triable by right pursuant to Fed. R.

Civ. P. 38.

Date: January 10, 2013

ADAPTIX, INC.

By: /s/ Paul J. Hayes (by permission Wesley Hill)

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