

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DYNAMIC TRANSMISSION
TECHNOLOGIES LLC,

Plaintiff,

v.

AT&T MOBILITY, LLC,

Defendant.

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C.A. No.:

JURY DEMANDED

COMPLAINT

Plaintiff Dynamic Transmission Technologies LLC (“DTT”) complains of Defendant AT&T Mobility, LLC (“AT&T Mobility”) as follows:

JURISDICTION AND VENUE

1. Title 28 of the United States Code Section 1338(a) confers subject matter jurisdiction on this Court because Defendant has infringed Plaintiff’s patent. The Patent Act of 1952, as amended, 35 U.S.C. § 271, *et seq.*, makes patent infringement illegal and actionable through a private cause of action.

2. Defendant has transacted business in this judicial district by making, using, selling, or offering to sell and providing technology and services that violate DTT’s patent either in this judicial district or in the United States.

3. Venue is proper in the District of Delaware under the general federal venue statute, 28 U.S.C. § 1391(d), and under the specific venue provision relating to patent-infringement cases, 28 U.S.C. § 1400(b).

PARTIES

4. DTT is a Delaware limited liability company with its principal place of business at 2400 Dallas Parkway, Suite 200, Plano, TX 75093. DTT is the assignee and owns all right, title and interest in and has standing to sue for infringement of United States Patent No. 6,052,408 (“the ’408 Patent”).

5. AT&T Mobility LLC is Delaware limited liability corporation with its principal place of business in Atlanta, Georgia. AT&T Mobility has previously and is presently making, using, selling, offering for sale, and/or importing into the United States wireless network technology, products and services that infringe one or more claims of the '408 Patent. AT&T Mobility has infringed the '408 Patent in violation of 35 U.S.C. § 271.

BACKGROUND

6. DTT is the owner of patent rights, which cover commercially significant technologies related to cellular communication systems with dynamically modified data transmission parameters. The '408 Patent, for example, covers wide and local area wireless communication technologies such as mobile telephone cellular services, and wireless network access services for mobile devices and terminals.

7. Defendant designs, manufactures, and sells wide and local area wireless access technology and services, including mobile telephone cellular services, and mobile device wireless communication access services, which infringe the '408 Patent.

PATENT INFRINGEMENT

8. Defendant has infringed and continues to infringe the '408 Patent in violation of 35 U.S.C. § 271.

9. Defendant's infringing technology and services include without limitation AT&T's LTE, HSPA and HSPA+ enhanced mobile networks, and devices sold for use with the AT&T mobile networks, including, for example, the Samsung HTC One X, the Samsung Galaxy III, and other mobile communications devices.

10. Defendant's infringement has injured DTT and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

11. Defendant's infringement will continue to injure DTT, unless and until this Court enters an injunction, which prohibits further infringement and specifically

enjoins further manufacture, use, sale and/or offer for sale of products or services that come within the scope of the '408 Patent.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, DTT demands a trial by jury on all issues presented that can properly be tried to a jury.

REQUEST FOR RELIEF

THEREFORE, DTT asks this Court to enter judgment against Defendant and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with Defendant, granting the following relief:

- A. An award of damages adequate to compensate DTT for the infringement that has occurred, together with prejudgment interest from the date infringement began;
- B. All other damages permitted by 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to DTT of its attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further infringement of the '408 Patent; and
- E. Such other and further relief as this Court or a jury may deem proper and just.

Dated: April 5, 2013

Respectfully submitted,

FARNAN LLP

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