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11
                    UNITED STATES DISTRICT COURT
12
                 NORTHERN DISTRICT OF CALIFORNIA
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    WINET LABS LLC,   Case No.
15
                    Plaintiff,   **COMPLAINT FOR PATENT**
16   **INFRINGMENT**

17   v.

18   APPLE INC.,

19   Defendant.

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Complaint for Patent Infringement   -1-   Case No.

Parties

1.   Plaintiff WiNet Labs LLC ("WiNet Labs"), is a Wyoming company with its principal place of business in Newtown, Pennsylvania.

2.   Apple Inc. is a California corporation with its principal place of business in Cupertino, California.

Jurisdiction and Venue

3.   This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq*.

4.   This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

5.   This Court may exercise personal jurisdiction over Apple, which conducts continuous and systematic business and has headquarters located in California and this District. These patent infringement claims arise directly from Apple's continuous and systematic activity in this District. In short, this Court's exercise of jurisdiction over Apple would be consistent with the California long-arm statute and traditional notions of fair play and substantial justice.

6.   Venue is proper in this District pursuant to 28 U.S.C. § 1400(b).

Claim of Patent Infringement

7.   WiNet Labs is the exclusive owner of United States Patent No. 7,593,374 (the "'374 patent"), which is attached hereto as "Exhibit A."

8.   The '374 patent is valid and enforceable.

9.   Apple has and is directly infringing claims of the '374 patent. Apple practices the methods embodied in the claims of the '374 patent. Without limiting the claims that may be asserted or the services that may be accused of infringement in this action, Apple is infringing claim 1 of the '374 patent when Apple makes, uses, and sells its "Personal Hotspot" service.

a. Claim 1 is, "A method for forming an ad-hoc network with a plurality of nodes, the method comprising . . . ." (Ex. A, col. 8:50-51.) The "Personal Hotspot" service practices Claim 1's method of forming an ad-hoc network with a plurality of nodes. For example, the "Personal Hotspot" service on an iPhone could form an ad-hoc network among the iPhone and two iPod devices.

b. Claim 1 includes "electing a coordinating node from the plurality of nodes . . . ." (Ex. A, col. 8:52.) The iPhone and the two iPods include "nodes," which allow these devices to send and receive data among other devices. Based on the "Personal Hotspot" on the iPhone initiating the shared connection with the two iPods and the iPhone's serial number, the iPhone is elected the coordinating node.

c. Claim 1 continues, "the coordinating node then: assigning an ad-hoc network address to each of the other nodes with the ad-hoc address recognizing participation of a respective node in the network . . . ." (Ex. A, col 8:53-55.) The iPhone assigns its name—e.g., "John's iPhone"—to the two iPods as an ad-hoc network address.

d. Claim 1 includes "assigning a local address to each of the other nodes with the local address setting a position of a respective node in the network . . . ." (Ex. A, col. 8:56-58.) The iPhone assigns itself the IP address of 172.20.10.1. The iPhone also assigns one iPod the IP address of 172.20.10.2. And the iPhone assigns the other iPod the IP address of 172.20.10.4.

e. In claim 1, "the electing step comprises . . . emitting pings from each of the nodes to locate nodes within a radio range; broadcasting a tag from each of

the located nodes to identify each of the located nodes; sending out an election-ballot packet by each of the identified nodes to each of the other identified nodes . . . ." (Ex. A, 8:59-64.) To elect the iPhone as the coordinating node, pings are emitted from the iPhone and the two iPods to locate the iPhone and the two iPods within a radio range. In addition, to elect the iPhone as the coordinating node, a tag is broadcasted from each of the iPhone and the iPods to identify each device. Also, to elect the iPhone as the coordinating node, an election-ballot packet is sent by and among the iPhone and the two iPods—i.e, a block of data is sent that governs the election of the iPhone as the coordinating node.

f.   Claim 1 continues, "wherein the electing step further comprises electing the coordinating node based on information in the tags, wherein each of the tags includes a serial number, the electing step further comprises electing the coordinating node based on its serial number." (Ex. A, col. 8:65-9:3.) The iPhone initiated the "Personal Hotspot," and the tag associated with the iPhone includes the iPhone's serial number. The iPhone is elected the coordinating node based on the iPhone's serial number.

10.   In 2014, the predecessor of WiNet Labs, through an agent, offered to sell the '374 patent to Apple. With knowledge of the claims of the '374 patent, Apple continued to willfully infringe the '374 patent by making, using, and selling the "Personal Hotspot" service.

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Complaint for Patent Infringement   -4-   Case No.

Prayer for Relief

WHEREFORE, WiNet Labs prays for the following relief against Apple:

(a)   Judgment that Apple has directly infringed the '374 patent;

(b)   For a fair and reasonable royalty;

(c)   For judgment that Apple willfully infringed the '374 patent and that WiNet Labs is

entitled to treble damages;

(d)   For pre-judgment interest and post-judgment interest at the maximum rate allowed

by law;

(e)   For such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

WiNet Labs demands a trial by jury on all matters and issues triable by jury.

Date: April 25, 2019   */s/ Todd C. Atkins*
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