



3. Plaintiff seeks past and future damages and prejudgment and post-judgment interest for Defendant's infringement of U.S. Patent 9,125,079 (the "'079 patent").

## II. PARTIES

4. Plaintiff Wireless Communications Mobile LLC is a limited liability company organized and existing under the laws of Delaware. Its principal place of business is 200 Continental Dr., Suite 401, Newark, DE 19713.

5. On information and belief, defendant CenturyLink, Inc. is a Louisiana corporation with its principal place of business at 100 CenturyLink Drive, Monroe, Louisiana. On information and belief, CenturyLink, Inc. may be served with process via its registered agent CT Corporation System, 3867 Plaza Tower Drive, Baton Rouge, Louisiana 70816.

6. On information and belief, defendant CenturyLink Communications, LLC is a Delaware limited liability company with its principal place of business at 1801 California Street, Suite 5100, Denver, Colorado. On information and belief, CenturyLink Communications, LLC may be served with process via its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

7. On information and belief, CenturyLink Communications, LLC is a wholly owned subsidiary of CenturyLink, Inc. On information and belief, CenturyLink, Inc. directs or controls the actions of CenturyLink Communications, LLC.

8. On information and belief, Defendants and/or their subsidiaries or affiliates also maintain numerous offices in Texas and this judicial district, including: Austin, Beaumont, Bryan, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, Longview, Lubbock, San Antonio and Waco. *See* [http://www.centurylink-business.com/demos/network\\_maps/#fiber](http://www.centurylink-business.com/demos/network_maps/#fiber).

### III. JURISDICTION AND VENUE

9. This is an action for patent infringement which arises under the patent laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 283, 284, and 285.

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

11. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction, pursuant to due process and the Texas Long-Arm Statute, due at least to its business in this forum, including at least a portion of the infringements alleged herein.

12. Venue is proper in this district under 28 U.S.C. § 1400(b). Defendant has authorized resellers in this district, including, upon information and belief, at 3814 US HWY 79 W, Jacksonville, TX 75766. On information and belief, from and within this District, Defendant has also committed at least a portion of the infringement at issue in this case.

13. This Court further has personal jurisdiction over CenturyLink because, among other reasons, CenturyLink regularly conducts business in Texas, including in this District, and CenturyLink has committed and continues to commit direct and indirect acts of patent infringement complained of herein within this District and elsewhere in Texas and the United States. For example, on information and belief, CenturyLink operates two data centers in Dallas, Texas. CenturyLink also maintains other facilities and infrastructure in this District and throughout Texas, including in Austin, Beaumont, Bryan, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, Longview, Lubbock, San Antonio, and Waco, and it uses these facilities and infrastructure to sell and/or provide a variety of products and services, including products and services complained of herein. In addition, CenturyLink advertises, sells, and provides its products and services, including infringing products and services complained of herein, directly

to businesses in this District. As such, CenturyLink has purposefully availed itself of the privilege of conducting business within this District, has established sufficient minimum contacts with this District such that CenturyLink should reasonably and fairly anticipate being haled into this Court, and has purposefully directed activities at residents in this District, wherein at least a portion of the claims alleged herein arise out of or are related to those activities. CenturyLink has also participated in previous patent cases in this District.

14. Without limitation, on information and belief, within this state, Defendant has used the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, on information and belief, Defendant has derived revenues from its infringing acts occurring within the Eastern District of Texas and Texas. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Eastern District of Texas and Texas. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction at least due to its sale of products and/or services within the Eastern District of Texas. Defendant has committed such purposeful acts and/or transactions in the Eastern District of Texas such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity. CenturyLink has also participated in previous patent cases in this District.

#### **IV. FACTUAL BACKGROUND**

15. Plaintiff is the owner of the entire right, title, and interest of the '079 patent, including the right to recover for past infringement, covering wireless monitoring device technologies used in various wireless monitoring products, including the '079 patent.

16. The '079 patent, entitled "PROGRAMMABLE COMMUNICATOR," was filed on Aug. 8, 2014 and issued on Sep.1,2015.

17. The '079 patent is a continuation of application No. 14/175,171, filed on Feb. 7, 2014, now Pat. No. 8,872,624, which is a continuation of application No. 13/934,763, filed on Jul. 3, 2013, now Pat. No. 8,648,717, which is a continuation of application No. 13/801,773, filed on Mar. 13, 2013, now Pat. No. 8,542,111, which is a continuation of application No. 12/538,603, filed on Aug. 10, 2009, now Pat. No. 8,094,010, which is a continuation of application No. 11/329,212, filed on Jan. 10, 2006, now Pat. No. 7,583,197, which is a continuation of application No. 10/296,571, filed as application No. PCT/EPOI/05738 on May 18, 2001, now abandoned.

#### **V. COUNTS OF PATENT INFRINGEMENT**

18. Plaintiff alleges that Defendant has infringed and continues to infringe the '079 patent (the "Asserted Patent").

#### **COUNT ONE** **INFRINGEMENT OF U.S. PATENT 9,125,079**

19. Plaintiff incorporates by reference the allegations in all preceding paragraphs as if fully set forth herein.

20. The '079 Patent provides a technical solution, by disclosing a technical data monitoring device establishing a wireless communication link with a programmable interface of a programmable cellular telephone comprising "a new and improved communicating apparatus to address the communication needs of children and elderly persons and for programmable data tags for monitoring the status of associated technical equipment." '079 Patent, Col. 9, Lns. 29 – 33.

Direct Infringement

21. On information and belief, Defendant, without authorization or license from Plaintiff, have been and is presently directly infringing the '079 Patent, either literally or equivalently, as infringement is defined by 35 U.S.C. § 271(a), including through making, using, (including for testing purposes), selling and offering for sale articles infringing one or more claims of the '079 Patent. Defendant is thus liable for direct infringement pursuant to 35 U.S.C. § 271(a). Exemplary infringing instrumentalities include the technical data monitoring devices described at <https://www.centurylink.com/home/help/home-security/activating-and-setting-up-your-connected-home-service.html> and <https://www.centurylink.com/home/help/home-security.html> (collectively the "CenturyLink Accused Instrumentalities").

22. On information and belief, the CenturyLink Accused Instrumentalities are a non-limiting example that meets all limitations of claim 1 of the '079 Patent, either literally or equivalently.

23. Claim 1 of the '079 patent states:

A technical data monitoring device for use with a wireless data monitoring network, the technical data monitoring device comprising:

(a) a wireless communications circuit, the technical data monitoring device configured to establish a wireless communication link with a programmable interface of a programmable cellular telephone,

(b) the technical data monitoring device configured to send and/or receive wireless packet switched data transmissions,

(c) the technical data monitoring device having an associated status condition,

(d) the technical data monitoring device configured to generate data and send data over the wireless communication link for processing by the programmable cellular telephone periodically or in response to instructions received in a wireless packet switched message from the programmable cellular telephone,

(e) wherein the data from the technical data monitoring device is (1) sent to be processed and displayed by the programmable cellular telephone and/or (2) sent to be processed and

forwarded by the programmable cellular telephone to an Internet website via one or more General Packet Radio Service (GPRS), or other wireless packet switched data messages,

(f) wherein the technical data monitoring device is configured to form part of the wireless data monitoring network in communication with the programmable cellular telephone; and

(g) at least one technical device or system, the at least one technical device or system being at least one selected from the group consisting of a pressure sensor, a heat sensor, a mechanical displacement sensor, a speed sensor, a temperature sensor, a sound threshold sensor, a movement sensor, an electrical power sensor, an infra-red radiation detector, a proximity detection sensor, a heart rate sensor, a water sensor, a location processing module, a GPS Global Positioning Systems module, a sensor for detecting any physical characteristic of the human skin, and a health monitoring system of one or more sensors, a sports performance monitoring system of one or more sensors, a domestic appliance monitoring system of one or more sensors, and a home security monitoring system of one or more sensors,

(h) wherein the data sent by the technical data monitoring device represents at least one of pressure data, heat data, mechanical displacement data, speed data, temperature data, sound threshold data, movement data, electrical power data, infra-red radiation data, proximity detection data, heart rate data, body temperature data, health data, water detection data, location data, GPS data, sports performance data, domestic appliance data, and home security data.

24. Specifically, Defendant sells a technical data monitoring device for use with a wireless data monitoring network. *See, e.g.,* <https://www.centurylink.com/home/help/home-security/activating-and-setting-up-your-connected-home-service.html> (“The camera with a built in motion sensor will automatically capture a picture when motion is detected. Set up alerts to be sent to your phone or email when an event is triggered, and easily add or modify any automations, schedules, or alerts within your Connected Home portal. Here are some helpful instructions to get your Connected Home service up and running right away.”) For example, CenturyLink provides a home security and home automation system which comes with a Cloud Hub which connects to the internet via an Ethernet cable and to the various devices (such as Z-wave lamp, Z-wave door/window sensor, Z-wave programmable thermostat) using wireless Z-wave to monitor technical data and communicate with other wireless programmable devices.

These devices have wireless communications circuits. *See*

<https://www.centurylink.com/asset/home/help/user-guides/smart-home-complete-user-guide.pdf>

(“Introducing a whole new level of security for the things that matter most in your life. Whether you’re home or away, at your desk or on the go, our interactive home security system makes it simple to monitor your property, keep your loved ones safe, and stay connected to home and family from anywhere.”) The CenturyLink technical data monitoring devices use the wireless communications circuit to establish links to a programmable interface of a programmable cellular telephone, for example, a mobile app (“CenturyLink Home App”) running on a smartphone.

25. According to claim 1(b) of the ’079 Patent, The CenturyLink Accused Instrumentalities are configured to send and/or receive wireless packet switch data transmissions. The device is configured to send and/or receive wireless packet switched data (such as critical status information, alerts, event notification alarm and/or emergency features). The wireless network (Z-wave) sends and/or receives data in the form of packet switched data transmission. *See* <https://www.centurylink.com/home/help/home-security/activating-and-setting-up-your-connected-home-service.html>.

26. According to claim 1(c) of the ’079 Patent, the CenturyLink Accused Instrumentalities have many status conditions, including, for example: armed, not armed, alerts, event notification alarm and/or emergency features etc. *See id.*

27. According to claim 1(d) of the ’079 Patent, the CenturyLink Accused Instrumentalities are configured to generate data and to send data over the wireless communication link for processing by the programmable cellular telephone. The device is also configured to generate data (alarm and notifications) associated with sensors (Z-Wave



Door/Window Sensor, Z-Wave Programmable Thermostat and Z-Wave Door Lock, Z-wave lamp module, camera) and send it over the wireless communication link for processing by the programmable cellular telephone. CenturyLink Home App which when installed on the programmable cellular telephone (such as smartphones) connects over wireless communication network with the panel to send and/or receive notifications and alerts. *See id.*

28. According to claim 1(e) of the '079 Patent, the sent data is either displayed by the programmable cellular telephone and/or sent to an Internet website via GPRS or other wireless packet switched protocols. The data (alarm and/or notifications) associated with the CenturyLink products is sent to the programmable cellular telephone and displays the data on cellular telephone via CenturyLink Home App. *See*

<https://www.centurylink.com/asset/home/help/user-guides/smart-home-complete-user-guide.pdf>, page 13.

29. According to claim 1(f) of the '079 Patent, the CenturyLink Accused Instrumentalities are configured as part of the wireless data monitoring network along with the programmable cellular telephone. *See id.*

30. According to claim 1(g) of the '079 Patent, the CenturyLink Accused Instrumentalities consist of many members of this group, including at least a home security monitoring system of one or more sensors (Z-Wave Door/Window Sensor, Z-Wave Programmable Thermostat and Z-Wave Door Lock, Z-wave lamp module, camera). *See* <https://www.centurylink.com/home/help/home-security/activating-and-setting-up-your-connected-home-service.html> (“The camera with a built-in motion sensor will automatically capture a picture when motion is detected. Set up alerts to be sent to your phone or email when an event is triggered, and easily add or modify any automations, schedules, or alerts within your

Connected Home portal. Here are some helpful instructions to get your Connected Home service up and running right away.”)

31. According to claim 1(h) of the '079 Patent, the data sent by the technical data monitoring device represents at least home security data associated with large range of sensors which integrates with at least one of the sensors (Z-Wave Door/Window Sensor, Z-Wave Programmable Thermostat and Z-Wave Door Lock, Z-wave lamp module, camera). *See id.*

#### Post-Suit Willful Infringement

32. Defendant has had actual knowledge of the '079 Patent at least as of service of this Complaint.

33. Notwithstanding this knowledge, Defendant continues to knowingly or with reckless disregard willfully infringe the '079 Patent. Defendant has thus had actual notice of infringement of the '079 Patent as of the filing of this complaint, and continue to act despite an objectively high likelihood that its actions constitute infringement of Plaintiff's valid patent rights, either literally or equivalently.

34. This objective risk was either known or so obvious that it should have been known to Defendant. Accordingly, Plaintiff seeks enhanced damages and reimbursement of its reasonable attorney fees pursuant to 35 U.S.C. §§ 284 and 285.

#### Indirect Infringement

35. Defendant is knowingly inducing their customers and/or end users to directly infringe the '079 Patent, with the specific intent to encourage such infringement, and knowing that the induced acts constitute patent infringement, either literally or equivalently.

36. Defendant's inducement includes, for example, providing data sheets, technical guides, demonstrations, software and hardware specifications, installation guides, and other forms of support that induce its customers and/or end users to directly infringe the '079 Patent.

The CenturyLink Accused Instrumentalities are designed in such a way that when they are used for their intended purpose, the user infringes the '079 Patent, either literally or equivalently.

Defendant knows and intends that customers that purchase the CenturyLink Accused Instrumentalities will use those products for their intended purpose. For example, Defendant's United States website: <https://www.centurylink.com/home/help/home-security/activating-and-setting-up-your-connected-home-service.html> instructs customers to use the CenturyLink Accused Instrumentalities in numerous infringing applications. In addition, Defendant specifically intends that its customers, such as United States distributors, retailers and consumer product companies, will import, use, and sell infringing products in the United States in order to serve and develop the United States market for Defendant's infringing products.

37. As a result of Defendant's infringement, Plaintiff has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

## **VI. NOTICE**

38. Plaintiff has complied with the notice requirement of 35 U.S.C. § 287 and does not distribute, sell, offer for sale, or make products embodying the Asserted Patent.

## **VII. JURY DEMAND**

39. Plaintiff demands a trial by jury of all matters to which it is entitled to trial by jury, pursuant to FED. R. CIV. P. 38.

### **VIII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment and seeks relief against Defendant as follows:

- A. That the Court determine that one or more claims of the Asserted Patent is infringed by Defendant, both literally and under the doctrine of equivalents;
- B. That the Court determine that one or more claims of the Asserted Patent is indirectly infringed by Defendant;
- C. That the Court award damages adequate to compensate Plaintiff for the patent infringement that has occurred, together with prejudgment and post-judgment interest and costs, and an ongoing royalty for continued infringement;
- D. That the Court permanently enjoin Defendant pursuant to 35 U.S.C. § 283;
- E. A finding that this case is exceptional pursuant to 35 U.S.C. § 285;
- F. That the Court order Defendant to reimburse Plaintiff for its reasonable attorney fees pursuant to 35 U.S.C. § 285;
- G. That the Court determine that Defendant's infringements were willful;
- H. That the Court award enhanced damages against Defendant pursuant to 35 U.S.C. § 284; and
- I. That the Court award such other relief to Plaintiff as the Court deems just and proper.

Dated: April 11, 2019

Respectfully Submitted,

/s/ William M. Parrish  
William M. Parrish  
*Lead Attorney*  
Texas State Bar No. 15540325  
Minghui Yang  
Texas State Bar No. 24091486  
HARDY PARRISH YANG, LLP  
Spicewood Business Center  
4412 Spicewood Springs Rd. Suite 202  
Austin, Texas 78759  
(512) 520-9407  
bparrish@hpylegal.com  
myang@hpylegal.com

*Attorneys for Plaintiff*  
*Wireless Communications Mobile LLC*