

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**AIDO AUDIO LLC,**

Plaintiff,

v.

**T-MOBILE USA, INC.,**

Defendant.

Case No. 4:19-cv-384

PATENT CASE

JURY TRIAL DEMANDED

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Aido Audio LLC (“Aido” or “Plaintiff”) files this Complaint against T-Mobile USA, Inc. (“T-Mobile” or “Defendant”) for infringement of U.S. Patent No. 6,694,134 (the “134 patent” or “patent-in-suit”).

**THE PARTIES**

1. Plaintiff is a Texas limited liability company with its principal place of business located at 539 W. Commerce Street, Suite 769, Dallas, Texas 75208.
2. Upon information and belief, T-Mobile is a Delaware corporation with a regional office at 7668 Warren Parkway, Suite 300, Frisco, Texas 75034.

**JURISDICTION AND VENUE**

3. Plaintiff brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

4. Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process, due at least to its substantial business in this State and judicial district, including: committing acts of infringement in this judicial district as described herein; and

regularly conducting or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods and products sold and services provided to Texas residents.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Defendant has a regular and established place of business in this judicial district. For example, Defendant has a regional office located at 7668 Warren Parkway, Suite 300, Frisco, Texas 75034. Defendant also has numerous retail locations throughout this judicial district. In addition, Defendant has committed acts of infringement in this judicial district.

### **THE PATENTS-IN-SUIT**

6. The '134 patent is titled "Terminal Device Emulator." The inventions claimed in the patent-in-suit generally relate to a new and novel information processing device that is capable of emulating a voice communications terminal and able to place voice calls using a wireless local area network (WLAN).

7. The '134 patent lawfully issued on February 17, 2004, and stems from Application No. 10/155,931, filed on May 24, 2002. A copy of the '134 patent is attached hereto as Exhibit 1.

8. The '134 patent was originally assigned to Interwave Communications International, Ltd. Prior to its acquisition by Alvarion Ltd. in 2004, Interwave was a provider of compact wireless communications systems.

9. The named inventors on the patent-in-suit are Priscilla Marilyn Lu and Chris P. McIntosh.

10. The patent-in-suit claims priority to U.S. Provisional Application No. 60/365,422, which was filed on March 18, 2002.

11. The technologies claimed in the patent-in-suit consist of ordered combinations of features and functions that were not, alone or in combinations, considered well-understood by, and routine, generic, and conventional to, skilled artisans in the industry at the time of invention.

12. Each asserted claim in the patent-in-suit is presumed valid.

13. Each asserted claim in the patent-in-suit is directed to patent eligible subject matter under 35 U.S.C. § 101.

14. The specification of the patent-in-suit discloses shortcomings in the prior art and then explains, in detail, the technical way the inventions claimed in the patent-in-suit resolve or overcome those shortcomings. *See, e.g.*, '134 patent, 1:13-5:30.

15. The patent-in-suit has over 50 forward citations, which is indicative of the value and importance of the inventions claimed in the patent-in-suit.

16. In 2006, one author referred to Voice over Wi-Fi as a “newly merged area of research.” *See* Exhibit 2, G. Adam Covington, “Voice over Wireless Data Networks,” (May 9, 2006), *available at*

<https://pdfs.semanticscholar.org/f1a7/7974a355d4898f3c33cd64e4b2664b7cb865.pdf>.

17. According to the GSMA, which is the worldwide trade body for mobile network operators, the first Voice over Wi-Fi (VoWiFi) deployment in the United States occurred in 2014. *See* Exhibit 3, <https://www.gsma.com/futurenetworks/vowifi-documents/>.

18. According to another author, 2015 was “The year Voice over Wi-Fi moved from novelty to necessity.” *See* Exhibit 4, Ken Kolderup and Damian V. Sazama, “The What, Why, When and How of VoWifi,” *available at* <https://ccamobile.org/wp-content/uploads/2015/03/Taqua-Interop-VoWiFi-Webinar-03-11-15v1.pdf>.

**COUNT I**  
**(INFRINGEMENT OF U.S. PATENT NO. 6,694,134)**

19. Plaintiff incorporates paragraphs 1 through 18 herein by reference.

20. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

21. Plaintiff is the owner of the '134 patent with all substantial rights to the '134 patent including the exclusive right to enforce, sue, and recover damages for past and future infringement.

22. The '134 patent is valid, enforceable and was duly issued in fully compliance with Title 35 of the United States Code.

**DIRECT INFRINGEMENT (35 U.S.C. § 271(a))**

23. Defendant has, and continues to, infringe one or more claims of the '134 patent in this judicial district and elsewhere in Texas and the United States.

24. Defendant has, and continues to, directly infringe one or more claims of the '134 patent in this judicial district and elsewhere in the United States, including at least claims 1 and 10 by, among other things, making, using, selling, offering to sell, selling within, and/or importing into, the United States devices or systems that infringe the '134 patent, including but not limited to smartphones and tablets with Wi-Fi calling functionality, such as its Revvl 2 device ("the Accused Products").

25. Attached hereto as Exhibit 5, and incorporated herein by reference, is a claim chart detailing how the Accused Products infringe the '134 patent.

26. Defendant is liable for these infringements of the '134 patent pursuant to 35 U.S.C. § 271.

**INDIRECT INFRINGEMENT (INDUCEMENT – 35 U.S.C. § 271(b))**

27. Based on the information presently available to Plaintiff, absent discovery, and in the alternative to direct infringement, Plaintiff contends that Defendant has, and continues to, indirectly infringe one or more claims of the '134 patent by inducing direct infringement by end users of the Accused Products.

28. Defendant has had knowledge of the '134 patent since at least as receipt of service of this Complaint.

29. On information and belief, despite having knowledge of the '134 patent, Defendant has specifically intended for persons who acquire and use the Accused Products, including Defendant's customers and end consumers, to acquire and/or use such devices in a way that infringes the '134 patent, including at least claims 1 and 10, and Defendant knew or should have known that its actions were inducing infringement.

30. Defendant instructs and encourages users to use the Accused Products in a manner that infringes the '134 patent. For example, Defendant's product support webpage provides end users detailed instructions on how to use the Wi-Fi calling functionality in the Accused Products. *See e.g.*, <https://support.t-mobile.com/docs/DOC-1680>; *see also* Exhibit 5 and information cited therein. Further, Defendant offers help and support services to assist users with Wi-Fi calling. *See e.g.*, <https://support.t-mobile.com/welcome>.

31. In accordance with Fed. R. Civ. P. 11(b)(3), Plaintiff will likely have additional evidentiary support after a reasonable opportunity for discovery on this issue.

32. Plaintiff has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is, thus, liable to Plaintiff in an amount that adequately

compensates Plaintiff for Defendant's infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**JURY DEMAND**

Plaintiff requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

Plaintiff asks that the Court find in its favor and against Defendant and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of the '134 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that one or more claims of the '134 patent have been willfully infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- c. Judgment that Defendant account for and pay to Plaintiff all damages and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein, including an accounting for any sales or damages not presented at trial;
- d. Judgment that Defendant account for and pay to Plaintiff a reasonable, ongoing, post judgment royalty because of Defendant's infringing activities, including continuing infringing activities, and other conduct complained of herein;
- e. That Plaintiff be granted pre-judgment and post judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- f. Find this case exceptional under the provisions of 35 U.S.C. § 285 and award enhanced damages; and
- g. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

DATED: May 29, 2019

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