

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**WIRELESS HANDOVER OY**

Plaintiff,

v.

**AT&T INC.**

Defendant.

**Case No. 3:13-cv-507**

**PATENT CASE**

**JURY TRIAL DEMANDED**

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**COMPLAINT**

Wireless Handover Oy files this Complaint against AT&T Inc. for infringement of United States Patent No. 7,953,407.

**THE PARTIES**

1. Plaintiff Wireless Handover Oy (“WHO”) is a Finnish corporation with its principal place of business at Runkotie 7, 01730 Vantaa, Finland.

2. Defendant AT&T Inc. (“Defendant”) is a Delaware Corporation with its principal place of business at 208 S. Akard St., Dallas, TX 75202. Its registered agent for service of process in the State of Texas is CT Corporation System, 350 N. St. Paul St., Ste. 2900, Dallas, TX 75201-4234.

**NATURE OF THE ACTION**

3. This is a civil action for infringement of United States Patent No. 7,953,407 (the “Patent-in-Suit”), arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

## **JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400(b) because Defendant has committed acts of infringement in this district, resides in this district, and is deemed to reside in this district for purposes of this action.

6. This Court has personal jurisdiction over Defendant and venue is proper in this district because Defendant has committed, and continues to commit, acts of infringement in the State of Texas, including in this district and/or has engaged in continuous and systematic activities in the State of Texas, including in this district.

## **THE PATENT-IN-SUIT**

7. The Patent-in-Suit, entitled “Centralized Management of Telecommunications Parameters,” was duly and legally issued by the United States Patent and Trademark Office on May 31, 2011. A copy of the Patent-in-Suit is attached hereto as Exhibit A.

8. WHO is the exclusive owner of all rights, title, and interest in the Patent-in-Suit, including the right to exclude others and to enforce, sue and recover damages for past and future infringement thereof.

## **INFRINGEMENT OF THE PATENT-IN-SUIT**

9. WHO incorporates paragraphs 1 through 8 by reference as if fully stated herein.

10. The Patent-in-Suit is valid and enforceable.

11. Defendant has directly infringed, and continues to directly infringe, one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(a), either literally and/or under the doctrine of equivalents, by making, using, selling, offering for sale, and/or importing products and/or

methods that allow the management of telecommunications parameters in a telecommunications system according to the Patent-in-Suit.

12. Third parties, including Defendant's affiliates, agents, and customers, have infringed, and continue to infringe, one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(a), either literally and/or under the doctrine of equivalents, by using, selling, and/or offering for sale in the United States, and/or importing into the United States, products and/or methods supplied by Defendant.

13. Upon information and belief, based on the information presently available to WHO, and absent discovery, WHO contends that Defendant has induced infringement, and continues to induce infringement, of one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(b). Defendant has actively, knowingly, and intentionally induced, and continues to actively, knowingly, and intentionally induce, infringement of the Patent-in-Suit by making, using, importing, and selling or otherwise supplying products to third parties, including at a minimum its affiliates, agents, and customers, with the knowledge and intent that such third parties will use, sell, offer for sale, and/or import, products supplied by Defendant to infringe the Patent-in-Suit; and with the knowledge and intent to encourage and facilitate the infringement through the dissemination of the products and/or the creation and dissemination of promotional and marketing materials, supporting materials, instructions, product manuals, and/or technical information related to such products.

14. Upon information and belief, based on the information presently available to WHO, absent discovery, and in the alternative to direct infringement, WHO contends that Defendant has contributed, and continues to contribute, to the infringement by third parties (including at a minimum its affiliates and licensors) of one or more claims of the Patent-in-Suit

under 35 U.S.C. § 271(c) by selling, offering for sale, and/or importing Defendant's products, knowing that those products constitute a material part of the inventions of the Patent-in-Suit, knowing that those products are especially made or adapted to infringe the Patent-in-Suit, and knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

15. Defendant's 4G radio and data network is an example of an infringing product and/or method.

16. WHO put Defendant on notice of the Patent-in-Suit and Defendant's infringement thereof at least as early as the date of filing of this complaint.

17. To the extent that facts learned in discovery show that Defendant's infringement of the '407 Patent is or has been willful, WHO reserves the right to request such a finding at time of trial.

18. WHO has been and continues to be damaged by Defendant's infringement of the Patent-in-Suit.

19. Defendant's actions complained of herein are causing irreparable harm and damages to WHO and will continue to do so unless and until Defendant is enjoined and restrained by the Court.

20. Defendant's conduct in infringing the Patent-in-Suit renders this case exceptional within the meaning of 35 U.S.C. § 285.

**JURY DEMAND**

21. Plaintiff WHO hereby demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, WHO prays for judgment as follows:

A. That Defendant has infringed one or more claims of the patent-in-suit;

B. That Defendant account for and pay all damages necessary to adequately compensate WHO for infringement of the Patent-in-Suit; WHO's costs; and WHO's expenses, such damages to be determined by a jury, and that such damages be trebled and awarded to WHO with pre-judgment and post-judgment interest;

C. That Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or actively participating with them, be permanently enjoined from directly or indirectly infringing the patent-in-suit; or, in the alternative, judgment that Defendant account for and pay to WHO an ongoing post-judgment royalty reflecting Defendant's deliberate continuing infringement;

D. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that WHO be awarded the attorney fees, costs, and expenses that it incurs prosecuting this action; and

E. That WHO be awarded such other and further relief as this Court deems just and proper.

DATED: January 31, 2013

Respectfully submitted,

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***ATTORNEYS FOR PLAINTIFF***

**CERTIFICATE OF FILING**

I hereby certify that on January 31, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Respectfully submitted,

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