

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

VALYRIAN IP LLC,

Plaintiff,

v.

VEXUS FIBER LLC,

Defendant.

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CIVIL ACTION 3:22-cv-2652

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Valyrian IP LLC (“Valyrian” or “Plaintiff”) files this original complaint against Vexus Fiber LLC (“Defendant”) for infringement of U.S. Patent No. 6,970,706 (the “’706 Patent” or the “Patent-in-Suit”) and alleges as follows:

PARTIES

1. Valyrian is a company established in Texas with its principal place of business at 6205 Coit Road, Suite 300-1025, Plano, Texas 75024.

2. Vexus Fiber LLC is a limited liability company organized and existing under the laws of Delaware that maintains an established place of business at 4006 W. Loop 289, Lubbock, Texas 79407. Defendant can be served through its registered agent, Cogency Global Inc., 1601 Elm Street, Suite 4360, Dallas, Texas 75201.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

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

5. This Court has personal jurisdiction over Defendant because it has engaged in systematic and continuous business activities. As described below, Defendant has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has committed acts of patent infringement in this District and has an established place of business in this District. In addition, Valyrian has suffered harm in this District.

PATENT-IN-SUIT

7. Valyrian is the assignee of all right, title, and interest in the '706 Patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Valyrian possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

THE '706 PATENT

8. The '706 Patent is entitled "Hierarchical call control with selective broadcast audio messaging system," and issued November 29, 2005. The application leading to the '706 Patent was filed on December 5, 2000. A true and correct copy of the '706 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. The '706 Patent is valid and enforceable.

10. Valyrian has satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '706 Patent.

11. Valyrian has complied with any applicable marking and/or notice provisions of 35 U.S.C. § 287 with respect to the '706 Patent.

12. The present invention relates to personal telephone systems that are able to transmit and receive digital signals between fixed sets and fixed stations in a cordless system. (See Ex. 1, at 1:8-10.) More particularly, the present invention relates to providing a hierarchical call control with a selective broadcast messaging service in a cordless telephone system. (See Ex. 1 at 1:11- 13.)

13. Time division multiple access (TDMA) cordless phone systems provide a base unit that is able to provide connections for a plurality of mobile units, such as handsets. (See Ex. 1 at 1:16-18.) Such TDMA systems use time division to provide a plurality of slots, where the base (fixed part) transmits to an individual (portable unit) mobile unit during a particular slot of time and receives from the individual mobile unit during a particular slot of time. (See Ex. 1 at 1:19-23.)

14. At the time of the inventions, there was a lack of capability to simultaneously send a voice message to all mobile units associated with a base unit. (See Ex. 1 at 1:39-42.) Since conventional cordless telephone systems did not provide a broadcast mode, it was impossible for a base station to send a call from an identified caller to only a specific mobile unit. (See Ex. 1 at 1:49-52.) Conventional cordless systems were also incapable of broadcasting a message deemed to be an important message to all, or even a selected group, of mobile units. (See Ex. 1 at 1:52-55.)

15. The inventions disclosed in the Patents-in-Suit were not well-understood, routine, or conventional. At the time the Patent-in-Suit was filed, there existed various problems in how mobile communications devices processed environmental inputs. In a cordless phone system having a base station and a plurality of mobile units, it is desirable to provide a mechanism whereby an identified call is sent only to a specified mobile unit whereas an important call is broadcast to most of the mobile units and a mechanism whereby a broadcast message is delivered to only selected mobile units. (See Ex. 1 at 1:56-62.)

16. To achieve the foregoing and other objectives and in accordance with the purpose of the present invention, a method for providing a hierarchical call control paradigm in a cordless

telephone system is described. (See Ex. 1 at 1:66-2:2). The inventive hierarchical call control directs and controls incoming calls depending on the phone number or settings that the customer programs into the system, e.g., that he or she does not want to be disturbed by broadcasts. (See Ex. 1 at 2:2-6.)

17. The claims of the Patent-in-Suit do not merely recite the performance of a familiar business practice with a requirement to perform it on the Internet. Instead, the claims recite one or more inventive concepts that are rooted in computerized electronic data communications networks and an improved method for managing mobile device communications.

18. Moreover, the inventions taught in the Patent-in-Suit cannot be performed with pen and paper or in the human mind. Indeed, they are rooted in providing a mechanism whereby an identified call is sent only to a specified mobile unit whereas an important call is broadcast to most of the mobile units and a mechanism whereby a broadcast message is delivered to only Selected mobile units. One of ordinary skill in the art at the time of the patent would have understood that the inventions could not be performed with pen and paper. Using a pen and paper would be a practical impossibility running counter to the inventors' detailed description of the inventions and language of the claims. Additionally, because the Patent-in-Suit addresses problems rooted in limiting mobile device communication by aggregating information from mobile device sensors and/or other information sources, the solutions it teaches are not merely drawn to longstanding human activities.

COUNT I: INFRINGEMENT OF THE '706 PATENT

19. Valyrian incorporates the above paragraphs herein by reference.

20. Defendant has been and continues to directly infringe one or more claims of the '706 Patent in at least this District by making, using, offering to sell, selling and/or importing, without

limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the “Exemplary Defendant Products”) that infringe at least the exemplary claims of the ’706 Patent also identified in the charts incorporated into this Count below (the “Exemplary ’706 Patent Claims”) literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the ’706 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

21. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary ‘706 Patent Claims, by having its employees internally test and use these Exemplary Products.

22. Exhibit 2 includes charts comparing the Exemplary ‘706 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the ‘706 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary ‘706 Patent Claims.

23. Valyrian therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

24. Valyrian is entitled to recover damages adequate to compensate for Defendants infringement.

JURY DEMAND

25. Under Rule 38(b) of the Federal Rules of Civil Procedure, Valyrian respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Valyrian respectfully requests the following relief:

A. A judgment that the ’706 Patent is valid and enforceable;

- B. A judgment that Defendant has infringed directly one or more claims of the '706 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Valyrian all appropriate damages under 35 U.S.C. § 284 for Defendants past infringement with respect to the '706 Patent;
- E. And, if necessary, to adequately compensate Valyrian for Defendant's infringement, an accounting:
 - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Valyrian be awarded its reasonable attorneys' fees against Defendant that it incurs in prosecuting this action;
 - ii. that Valyrian be awarded costs and expenses that it incurs in prosecuting this action; and
 - iii. that Valyrian be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: November 28, 2022

Respectfully submitted,

/s/ Travis Richins

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