1	Case 2:22-cv-01350-LK Document 1	Filed 09/23/22 Page 1 of 18
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4	UNITED STATES I	
5	FOR THE WESTERN DIST	RICT OF WASHINGTON
6	TRIUMPH IP LLC,	
7	Plaintiff,	Case No. 2:22-cv-1350
8	V.	COMPLAINT FOR PATENT INFRINGEMENT
9	SPORTS ART AMERICA, INC.,	
10	Defendant.	DEMAND FOR JURY TRIAL
11	Plaintiff Triumph IP LLC files th	nis Complaint for Patent Infringement against
12	Sports Art America, Inc., and would respectfully	show the Court as follows:
13		THE LAWSUIT
14 15		ngement under the Patent Laws of the United
15	1	-
17	States, Title 35 United States Code ("U.S.C."	
18	infringing, in an illegal and unauthorized manner	
19	Triumph IP LLC, United States Patent No. 7,177,	291, pursuant to 35 U.S.C. §271, and to recover
20	damages, attorney's fees, and costs.	
21	II. <u>THE I</u>	PARTIES
22	1. Plaintiff Triumph IP LLC ("Trium	nph" or "Plaintiff") is a Texas limited liability
23	company having an address at 1401 Lavaca Stree	t, Suite 922, Austin, TX 78701.
24	2. On information and belief, Defend	lant Sports Art America, Inc., ("Defendant") is
25	a corporation organized and existing under the la	ws of Washington, with a registered agent MN
26	Service Corporation (WA) at 2801 Alaskan Way,	, STE 300, Seattle, WA 98121.
27		
28	COMPLAINT - 1	MANN LAW GROUP PLLC 403 Madison Ave. N. Ste.240 Bainbridge Island, WA 98110 TELEPHONE: 206.436-0900 P

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III. JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction of such action under 28 U.S.C. §§ 1331 and 1338(a).

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

11 5. Without limitation, on information and belief, within this State and this District, 12 Defendant has used the patented inventions thereby committing, and continuing to commit, acts 13 of patent infringement alleged herein. In addition, on information and belief, Defendant has 14 derived revenues from its infringing acts occurring within Washington and the Western District 15 16 of Washington. Further, on information and belief, Defendant is subject to the Court's general 17 jurisdiction, including from regularly doing or soliciting business, engaging in other persistent 18 courses of conduct, and deriving substantial revenue from goods and services provided to persons 19 or entities in Washington and the Western District of Washington. Further, on information and 20 belief, Defendant is subject to the Court's personal jurisdiction at least due to its sale of products 21 and/or services within Washington and the Western District of Washington. Defendant has 22 23 committed such purposeful acts and/or transactions in Washington and the Western District of 24 Washington such that it reasonably should know and expect that it could be haled into this Court 25 as a consequence of such activity.

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6. Venue is proper in this district under 28 U.S.C. § 1400(b). On information and belief, Defendant is incorporated in Washington, and it has a place of business within this

COMPLAINT - 2

District. On information and belief, from and within this District Defendant has committed at least a portion of the infringements at issue in this case.

7. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. § 1400(b).

IV. COUNT I (PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 7,177,291)

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Plaintiff incorporates the above paragraphs herein by reference.

9. On February 13, 2007, United States Patent No. 7,177,291 ("the '291 Patent") 9 was duly and legally issued by the United States Patent and Trademark Office. The '291 Patent is titled "Method for Associating an Apparatus in a Communication Network." The term of the 12 '291 patent has been adjusted by 1,126 days. A true and correct copy of the '291 Patent is 13 attached hereto as Exhibit A and incorporated herein by reference.

14 10. Triumph is the assignee of all right, title, and interest in the '291 patent, including 15 all rights to enforce and prosecute actions for infringement and to collect damages for all relevant 16 times against infringers of the '291 Patent. Accordingly, Triumph possesses the exclusive right 17 and standing to prosecute the present action for infringement of the '291 Patent by Defendant. 18

11. The invention in the '291 Patent relates to the field of associating an apparatus to 19 20 a communication network capable of sharing the same transmission frequency resources as 21 another neighboring network. (Ex. A at col. 1:9-12). The inventor's recognized inefficiencies of 22 the prior art when the collision of the frames originating from two networks contacting the same 23 apparatus and developed an improved method. (Id. at col. 1:38-40). 24

12. Local networks using sharing of the radio resource in Frequency Division 25 Multiple Access ("FDMA") mode are required to use one channel from among a finite set of 26 channels, which is given and granted by the standardizing bodies. (Id. at col. 1:19-22). To avoid 27

COMPLAINT - 3

mutual disturbance, it is oven advisable to implement techniques for probing various channels. 2 (Id. at col. 1:23-24). Equipment wishing to create a wireless network will listen to channels and 3 choose a channel which it deems to be free of any radio activity, using a dynamic frequency 4 selection ("DFS") mechanism. (Id. at col. 1:26-30). However, when there are multiple local 5 networks, it is possible that two networks, though geographically close, may have chosen the 6 same frequency, without interfering with one another. (Id. at col. 1:31-34). This is all the more 7 8 probable the lower the number of channels dedicated to this service. (Id. at col. 1:34-35). It may 9 be the case where an apparatus which has to associate itself with a network may also be able to 10 communicate with a base station of another network, causing the problem of the collision of 11 frames originating from the two networks at the level of the apparatus. (*Id.* at col. 1:36-40). 12

13. The inventors recognized that they could reduce the collision of frames in a 13 communications network when associating an apparatus to a first communication network by 14 performing the steps of detecting by the apparatus a first transmission channel, determining a 15 16 collision on the channel between signals originating from the first network and from a second 17 network; in case of collision, transmitting a change of channel request to the first network, and 18 associating the apparatus with a base station of the first network following non-detection of a 19 collision. (Id. at col. 4:41-53). 20

14. **Direct Infringement.** Upon information and belief, Defendant has been directly 21 infringing at least claim 1 of the '291 patent in Washington, and elsewhere in the United States, 22 23 by performing actions comprising at least performing the claimed process for associating an 24 apparatus to a first communication network with transmissions in the first network being 25 performed on a first channel using the SportsArt C574U-13 ("Accused Instrumentality") (e.g., 26 https://www.gosportsart.com/wp-content/uploads/documentation/C574U-13_Sell_ENG.pdf).

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15. The Accused Instrumentality practices a process for associating an apparatus (e.g., the Accused Instrumentality) to a first communication network (e.g., Wi-Fi network of an access point), with transmissions in the first network being performed on a first channel (e.g., a communication channel). The Accused Instrumentality supports IEEE 802.11n standard and gets associated with an access point according to the standard. THE GREEN FITNESS COMPAN

C574U-13 UPRIGHT CYCLE

The SENZA[™] Elite line encompasses our quality cardio products, integrated with premium technology and entertainment options that actively engages users by providing an intuitive workout experience that allows them

.3	to consume their enterta Upright Cycle features a of-access, vertically and	ainment, their way. The C574U-13 a low-profile shroud design for ease- l horizontally adjustable seat, fingertip an integrated 13-inch SENZA [™] display.
5	 KEY FEATURES • 13-inch SENZA[™] tour • Horizontal and verti • Contact HR sensors 	cal seat adjustment
7		
8	Connectivity	Wi-fi (IEEE 802.11 a/b/g/n) LAN Ethernet (10/100Mbps)
9	(<i>E.g.</i> , <u>https://www.gc</u>	osportsart.com/wp-content/uploads/documentation/C574U-
0		

13_Sell_ENG.pdf).

COMPLAINT - 5

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1 2 3 4 5	The IEEE 802.11 HT STA provides physical layer (PHY) and medium access control (MAC) features that can support a throughput of 100 Mb/s and greater, as measured at the MAC data service access point (SAP). An HT STA supports HT features as identified in Clause 9 and Clause 20. An HT STA operating in the 5 GHz band supports transmission and reception of frames that are compliant with mandatory PHY specifications as defined in Clause 17. An HT STA operating in the 2.4 GHz band supports transmission and reception of frames that are compliant with mandatory PHY specifications as defined in Clause 18 and Clause 19. An HT STA is also a quality of service (QoS) STA. The HT features are available to HT STAs associated with an HT access point (AP) in a basic service set (BSS). A subset of the HT features is available for use between two HT STAs that are members of the same independent basic service set (IBSS).
6	An HT STA has PHY features consisting of the modulation and coding scheme (MCS) set described in
7 8	20.3.5 and physical layer convergence procedure (PLCP) protocol data unit (PPDU) formats described in 20.1.4. Some PHY features that distinguish an HT STA from a non-HT STA are referred to as multiple input, multiple output (MIMO) operation; spatial multiplexing (SM); spatial mapping (including transmit
9	beamforming); space-time block coding (STBC); low-density parity check (LDPC) encoding; and antenna selection (ASEL). The allowed PPDU formats are non-HT format, HT-mixed format, and HT-greenfield
10	format. The PPDUs may be transmitted with 20 MHz or 40 MHz bandwidth.
11	(<i>E.g.</i> , <u>https://standards.ieee.org/standard/802_11n-2009.html</u>).
12	With the use of IEEE 802.11n, there is the possibility of using signal bandwidths of either 20
13	MHz or 40 MHz. When 40 MHz bandwidth is used to gain the higher data throughput, this
14	obviously reduces the number of channels that can be used.
15	
16	
17	Channel 3 (1422 MHz) Channel 11 (2462 MHz) 2.400 GHz 2.4 GHz ISM Band 2.400 GHz
18	
19	IEEE 802.11n 2.4 GHz Wi-Fi 40 MHz channels, frequencies & channel numbers.
20	
21	(<i>E.g.</i> , <u>https://www.electronics-notes.com/articles/connectivity/wifi-ieee-802-11/channels-</u>
22	frequencies-bands-bandwidth.php).
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11.14.2 Basic 20/40 MHz BSS functionality

- An HT AP declares its channel width capability (20 MHz only or 20/40 MHz) in the Supported Channel Width Set subfield of the HT Capabilities element.
- An HT AP shall set the STA Channel Width field to 1 in frames in which it has set the Secondary Channel
 Offset field to SCA or SCB. An HT AP shall set the STA Channel Width field to 0 in frames in which it has
 set the Secondary Channel Offset field to SCN.
- 6 A non-AP HT STA declares its channel width capability (non-FC HT STA or FC HT STA) in the Supported Channel Width Set subfield in the HT Capabilities element.
- 8 If the AP or IDO STA starts a 20/40 MHz BSS in the 5 GHz band and the BSS occupies the same two channels as any existing 20/40 MHz BSSs, then the AP or IDO STA shall ensure that the primary channel of
- the new BSS is identical to the primary channel of the existing 20/40 MHz BSSs and that the secondary channel of the new 20/40 MHz BSS is identical to the secondary channel of the existing 20/40 MHz BSSs, unless the AP discovers that on these two channels are existing 20/40 MHz BSSs with different primary and secondary channels.
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- (E.g., https://standards.ieee.org/standard/802_11n-2009.html).
- 16. Upon information and belief, the Accused Instrumentality practices detecting by
- 15 said apparatus (e.g., the Accused Instrumentality) of the first transmission channel (e.g., a
- 16 communication channel). The Accused Instrumentality supports IEEE 802.11n standard. It gets
- ¹⁷ associated with an access point according to the standard. It receives a high throughput operation
- 18 element from the access point and determines a primary and secondary channel pair for data
- 19 transmission with the access point.
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1			11 HT STA pro									
2	An	HT STA su	proughput of 10 pports HT fea	tures as i	dentified in	Claus	se 9 and 0	Clause 2	0. An H	IT STA	operating in	the
3	spec	ifications a	upports transm s defined in Cla	ause 17. /	An HT STA	operat	ing in the	2.4 GH	z band su	upports ti	ransmission	and
4			ames that are of HT STA is also									
5			an HT access p two HT STAs									able
6			as PHY feature									
7	20.1	.4. Some P	sical layer con HY features tha	t disting	uish an HT S	STA fro	om a non-	HT STA	are refe	rred to as	s multiple in	iput,
8	bear	nforming);	t (MIMO) op space-time blo	ck codin	g (STBC); l	low-de	nsity pari	ty check	(LDPC) encodi	ng; and ante	enna
9			L). The allowe DUs may be tra							rmat, and	d HT-greent	field
10	(E a	https://	standards.ie	on org/s	tondord/8	02 1	1n 2000	(html)	-			
11	× U							,				
12			of HT STAs ned in Figure			trolled	by the	HT Ope	eration of	element.	The struc	ture of this
13			-			B0	B1	E	32	B3	B4	B7
14			Element ID	Length	Primary Channel	Ch	condary nannel Offset	STA C W	hannel dth	RIFS Mode	Reserve	ed
15		Octets:	1	1	1							
16									1			
17			B0 E	31	B2	UT	B3	0.00	B4		B15	
			HT Protecti		ongreenfield STAs Prese		Reserve		S Non-H s Preser	Pocco	erved	
18												
18 19			◄			2					-	
		B0 B5	B6		B7	2 B8		B9	B10	B11	► B12 B15	
19		B0 B5 Reserved		Dua	B7 Il CTS rection		C L-SIC	G TXOP tection	B10 PCO Active	B11 PCO Phase	B12 B15 Reserved	Basic MCS Set
19 20				Dua	I CTS	B8 STB0	C L-SIC Pro Full S	G TXOP	PCO	PCO		
19 20 21				Dua	I CTS	B8 STB0	C L-SIC	G TXOP tection	PCO	PCO		MCS Set
19 20 21 22				Dua	I CTS	B8 STB0	C L-SIC Pro Full S	G TXOP tection	PCO	PCO		MCS Set
 19 20 21 22 23 				Dua	I CTS	B8 STB0	C L-SIC Pro Full S	G TXOP tection	PCO	PCO		MCS Set
 19 20 21 22 23 24 				Dua	I CTS	B8 STB0	C L-SIC Pro Full S	G TXOP tection	PCO	PCO		MCS Set
 19 20 21 22 23 24 25 				Dua	I CTS	B8 STB0	C L-SIC Pro Full S	G TXOP tection	PCO	PCO		MCS Set
 19 20 21 22 23 24 25 26 				Dua	I CTS	B8 STB0	C L-SIC Pro Full S	G TXOP tection	PCO	PCO		MCS Set

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1						
2	Field	Definition	Encoding	Reserved in IBSS ?		
3 4	Primary Channel	Indicates the channel number of the primary channel. See 11.14.2.	Channel number of the primary channel	Ν		
	Secondary	Indicates the offset of the	Set to 1 (SCA) if the secondary channel is above	Ν		
5	Channel Offset	secondary channel relative to the primary channel.	the primary channel Set to 3 (SCB) if the secondary channel is below the primary channel			
6			Set to 0 (SCN) if no secondary channel is present			
7			The value 2 is reserved			
8 9	(<i>E.g.</i> , <u>https://st</u>	andards.ieee.org/standard/	/ <u>802_11n-2009.html</u>).			
9 10			he possibility of using signal bandwidths of			
10		Hz. When 40 MHz bandwi uces the number of channe	dth is used to gain the higher data throug Is that can be used.	hput, this		
11	2					
12						
14		Channel 3 (2422 MHz)	Channel 11 (2462 Mile)			
15		2.400 GHz	2.4 GHz ISM Band			
16	IEEE 802.11n 2.4 GHz Wi-Fi 40 MHz channels,					
17			ties & channel numbers.			
18	(<i>E.g.</i> , <u>https://w</u>	ww.electronics-notes.com	/articles/connectivity/wifi-ieee-802-11/char	nnels-		
19	frequencies-ba	nds-bandwidth.php).				
20	11.14.2 Basic	20/40 MHz BSS functionali	ity			
21			ity (20 MHz only or 20/40 MHz) in the Supported	d Channel		
22	Width Set subfie	eld of the HT Capabilities elem	ent.			
23			eld to 1 in frames in which it has set the Secondary et the STA Channel Width field to 0 in frames in wh	,		
24	set the Secondar	y Channel Offset field to SCN.				
25		TA declares its channel width c Set subfield in the HT Capabilit	capability (non-FC HT STA or FC HT STA) in the Sties element.	Supported		
26		andards.ieee.org/standard/				
27	(Ľ.g., <u>mups.//st</u>	anuarus.1000.01g/stanuaru/	<u>002_1111-2007.111111</u>).			
28						
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1	If the AP or IDO STA starts a 20/40 MHz BSS in the 5 GHz band and the BSS occupies the same two channels as any existing 20/40 MHz BSSs, then the AP or IDO STA shall ensure that the primary channel of
2	the new BSS is identical to the primary channel of the existing 20/40 MHz BSSs and that the secondary
3	channel of the new 20/40 MHz BSS is identical to the secondary channel of the existing 20/40 MHz BSSs,
4	unless the AP discovers that on these two channels are existing 20/40 MHz BSSs with different primary and secondary channels.
5	(E.g., https://standards.ieee.org/standard/802_11n-2009.html).
6	$(L.g., \underline{\mathrm{https://standards.ieee.org/standard/002_1111-2009.intillip}).$
7	17. Upon information and belief, the Accused Instrumentality practices determining
8	of a collision on said channel between signals originating from the first network (e.g., Wi-Fi
9	network of an access point) and from a second network (<i>e.g.</i> , another Wi-Fi network of nearby
10	
11	access point, radar, etc.). The Accused Instrumentality determines a utilization of the primary or
12	secondary channel (<i>i.e.</i> , collision on a channel) by another Wi-Fi network, radar system, etc.
13	11.14.2 Basic 20/40 MHz BSS functionality
14	An HT AP declares its channel width capability (20 MHz only or 20/40 MHz) in the Supported Channel
15	Width Set subfield of the HT Capabilities element.
16	An HT AP shall set the STA Channel Width field to 1 in frames in which it has set the Secondary Channel Offset field to SCA or SCB. An HT AP shall set the STA Channel Width field to 0 in frames in which it has set the Secondary Channel Offset field to SCN.
17	
18	A non-AP HT STA declares its channel width capability (non-FC HT STA or FC HT STA) in the Supported Channel Width Set subfield in the HT Capabilities element.
19	If the AP or IDO STA starts a 20/40 MHz BSS in the 5 GHz band and the BSS occupies the same two
20	channels as any existing 20/40 MHz BSSs, then the AP or IDO STA shall ensure that the primary channel of
21	the new BSS is identical to the primary channel of the existing 20/40 MHz BSSs and that the secondary channel of the new 20/40 MHz BSS is identical to the secondary channel of the existing 20/40 MHz BSSs,
22	unless the AP discovers that on these two channels are existing 20/40 MHz BSSs with different primary and secondary channels.
23	secondary channels.
24	(E.g., https://standards.ieee.org/standard/802_11n-2009.html).
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1	While operating a 20/40 MHz BSS, an IDO STA or an AP may decide to move its BSS, and an AP may
2	decide to switch the BSS to 20 MHz operation either alone or in combination with a channel move. These channel move or BSS width switch operations can occur if, for example, another BSS starts to operate in
3	either or both of the primary or secondary channels, or if radar is detected in either or both of the primary or secondary channels, or for other reasons that are beyond the scope of this standard. Specifically, the AP or
4	IDO STA may move its BSS to a different pair of channels, and the AP may separately, or in combination with the channel switch, change from a 20/40 MHz BSS to a 20 MHz BSS using either the primary channel
5	of the previous channel pair or any other available 20 MHz channel. While operating a 20 MHz BSS, an IDO STA or an AP may decide to move its BSS, and an AP may decide to switch the BSS to a 20/40 MHz
6	BSS, either alone or in combination with a channel move.
7	(E.g., https://standards.ieee.org/standard/802_11n-2009.html).
8	Radio regulations may require RLANs operating in the 5 GHz band to implement a mechanism to avoid co-
9	channel operation with radar systems and to ensure uniform utilization of available channels. The DFS service is used to satisfy these regulatory requirements.
10	The DFS service provides for the following:
11	 Association of STAs with an AP in a BSS based on the STAs' supported channels.
12	 Quieting the current channel so it can be tested for the presence of radar with less interference from other STAs.
13	— Testing channels for radar before using a channel and while operating in a channel.
14	 Discontinuing operations after detecting radar in the current channel to avoid interference with radar.
15	 Detecting radar in the current and other channels based on regulatory requirements.
16	 Requesting and reporting of measurements in the current and other channels.
17	 Selecting and advertising a new channel to assist the migration of a BSS or IBSS after radar is detected.
18	(E.g., https://standards.ieee.org/standard/802_11-2007.html).
19	The requirements described in this subclause apply only when an HT STA is operating in a regulatory class
20	for which the behavior limits set listed in Annex J includes the value 16; i.e., the regulatory class is subject to DFS with $50-100 \ \mu s$ radar pulses.
21	
22	For an HT STA, the following MIB attributes shall be set to TRUE: dot11RegulatoryClassesImplemented, dot11RegulatoryClassesRequired, and dot11ExtendedChannelSwitchEnabled.
23	An AP operating a 20/40 MHz BSS, on detecting an OBSS whose primary channel is the AP's secondary
24	channel, switches to 20 MHz BSS operation and may subsequently move to a different channel or pair of channels. An IBSS DFS owner (IDO) STA operating a 20/40 MHz IBSS, on detecting an OBSS whose
25	primary channel is the IDO STA's secondary channel, may choose to move to a different pair of channels.
26	(E.g., https://standards.ieee.org/standard/802_11n-2009.html).
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1 18. Upon information and belief, the Accused Instrumentality practices such that 2 when said collision has been determined, transmitting a change of channel (e.g., another 3 communication channel) request to the first network (e.g., Wi-Fi network of an access point). 4 The Accused Instrumentality sends a request to switch channel on detection of utilization of the 5 primary or secondary channel (*i.e.*, collision on a channel) by another Wi-Fi network, radar 6 system, etc. 7 8 11.14.2 Basic 20/40 MHz BSS functionality 9 An HT AP declares its channel width capability (20 MHz only or 20/40 MHz) in the Supported Channel Width Set subfield of the HT Capabilities element. 10 An HT AP shall set the STA Channel Width field to 1 in frames in which it has set the Secondary Channel 11 Offset field to SCA or SCB. An HT AP shall set the STA Channel Width field to 0 in frames in which it has set the Secondary Channel Offset field to SCN. 12 A non-AP HT STA declares its channel width capability (non-FC HT STA or FC HT STA) in the Supported 13 Channel Width Set subfield in the HT Capabilities element. 14 If the AP or IDO STA starts a 20/40 MHz BSS in the 5 GHz band and the BSS occupies the same two 15 channels as any existing 20/40 MHz BSSs, then the AP or IDO STA shall ensure that the primary channel of 16 the new BSS is identical to the primary channel of the existing 20/40 MHz BSSs and that the secondary 17 channel of the new 20/40 MHz BSS is identical to the secondary channel of the existing 20/40 MHz BSSs, unless the AP discovers that on these two channels are existing 20/40 MHz BSSs with different primary and 18 secondary channels. 19 While operating a 20/40 MHz BSS, an IDO STA or an AP may decide to move its BSS, and an AP may 20 decide to switch the BSS to 20 MHz operation either alone or in combination with a channel move. These channel move or BSS width switch operations can occur if, for example, another BSS starts to operate in 21 either or both of the primary or secondary channels, or if radar is detected in either or both of the primary or secondary channels, or for other reasons that are beyond the scope of this standard. Specifically, the AP or 22 IDO STA may move its BSS to a different pair of channels, and the AP may separately, or in combination with the channel switch, change from a 20/40 MHz BSS to a 20 MHz BSS using either the primary channel 23 of the previous channel pair or any other available 20 MHz channel. While operating a 20 MHz BSS, an IDO STA or an AP may decide to move its BSS, and an AP may decide to switch the BSS to a 20/40 MHz 24 BSS, either alone or in combination with a channel move. 25 (E.g., https://standards.ieee.org/standard/802 11n-2009.html). 26 27 28 **COMPLAINT - 12** MANN LAW GROUP PLLC

1 2	Radio regulations may require RLANs operating in the 5 GHz band to implement a mechanism to avoid co- channel operation with radar systems and to ensure uniform utilization of available channels. The DFS service is used to satisfy these regulatory requirements.
3	The DFS service provides for the following:
4	— Association of STAs with an AP in a BSS based on the STAs' supported channels.
5	 Quieting the current channel so it can be tested for the presence of radar with less interference from other STAs.
6	— Testing channels for radar before using a channel and while operating in a channel.
7	 Discontinuing operations after detecting radar in the current channel to avoid interference with radar.
8	 Detecting radar in the current and other channels based on regulatory requirements. Beguesting and reporting of measurements in the current and other channels.
9	 Requesting and reporting of measurements in the current and other channels. Selecting and advertising a new channel to assist the migration of a BSS or IBSS after radar is
10	detected.
11	(E.g., https://standards.ieee.org/standard/802_11-2007.html).
12 13	The requirements described in this subclause apply only when an HT STA is operating in a regulatory class for which the behavior limits set listed in Annex J includes the value 16; i.e., the regulatory class is subject to DFS with 50–100 µs radar pulses.
14	
15	For an HT STA, the following MIB attributes shall be set to TRUE: dot11RegulatoryClassesImplemented, dot11RegulatoryClassesRequired, and dot11ExtendedChannelSwitchEnabled.
16	An AP operating a 20/40 MHz BSS, on detecting an OBSS whose primary channel is the AP's secondary
17	channel, switches to 20 MHz BSS operation and may subsequently move to a different channel or pair of channels. An IBSS DFS owner (IDO) STA operating a 20/40 MHz IBSS, on detecting an OBSS whose
18	primary channel is the IDO STA's secondary channel, may choose to move to a different pair of channels.
19	(E.g., https://standards.ieee.org/standard/802_11n-2009.html).
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27 28	
20	COMPLAINT - 13 MANN LAW GROUP PLLC 403 Madison Ave. N. Ste.240 Bainbridge Island, WA 98110 TELEPHONE: 206.436.0900 P

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10.3.15.1 MLME-CHANNELSWITCH.reques

10.3.15.1.2 Semantics of the service primitive

Change the parameter list in 10.3.15.1.2 follows:

The primitive parameters are as follows: <u>MLME-CHANNELSWITCH.request(</u> Mode, Channel Number, <u>Secondary Channel Offset</u>, Channel Switch Count, VendorSpecificInfo)

Insert the following row before the Channel Switch Count row in the untitled table defining the primitive parameters in 10.3.15.1.2:

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11		Name	Туре	Valid range	Description
12		Secondary Channel Offset	Integer	As in Table 7-27a	Specifies the position of secondary channel in relation to the primary channel.
13					The parameter shall be present if the MIB attribute dot11FortyMHzOperationImplemented is TRUE;
14					otherwise, the parameter shall not be present.
15	(1	E.g., <u>https://star</u>	ndards.ieee.o	rg/standard/802_11	<u>n-2009.html</u>).
16					
17		19. U	pon informa	ation and belief, the	e Accused Instrumentality practices associating
18	tl	he apparatus wi	th a base sta	tion (<i>e.g.</i> , an access	point) of the first network (e.g., Wi-Fi network
19	0	f an access poir	nt), following	g non-detection of c	collision.
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11.14.2 Basic 20/40 MHz BSS functionality 1

2	An HT AP declares its channel width capability (20 MHz only or 20/40 MHz) in the Supported Channel Width Set subfield of the HT Capabilities element.
3	
4	An HT AP shall set the STA Channel Width field to 1 in frames in which it has set the Secondary Channel Offset field to SCA or SCB. An HT AP shall set the STA Channel Width field to 0 in frames in which it has set the Secondary Channel Offset field to SCN.
5	
6 7	A non-AP HT STA declares its channel width capability (non-FC HT STA or FC HT STA) in the Supported Channel Width Set subfield in the HT Capabilities element.
8	If the AP or IDO STA starts a 20/40 MHz BSS in the 5 GHz band and the BSS occupies the same two
9	channels as any existing 20/40 MHz BSSs, then the AP or IDO STA shall ensure that the primary channel of
10	the new BSS is identical to the primary channel of the existing 20/40 MHz BSSs and that the secondary
11	channel of the new 20/40 MHz BSS is identical to the secondary channel of the existing 20/40 MHz BSSs, unless the AP discovers that on these two channels are existing 20/40 MHz BSSs with different primary and secondary channels.
12	
13	While operating a 20/40 MHz BSS, an IDO STA or an AP may decide to move its BSS, and an AP may decide to switch the BSS to 20 MHz operation either alone or in combination with a channel move. These
14	channel move or BSS width switch operations can occur if, for example, another BSS starts to operate in either or both of the primary or secondary channels, or if radar is detected in either or both of the primary or
15	secondary channels, or for other reasons that are beyond the scope of this standard. Specifically, the AP or IDO STA may move its BSS to a different pair of channels, and the AP may separately, or in combination
16	with the channel switch, change from a 20/40 MHz BSS to a 20 MHz BSS using either the primary channel
17	of the previous channel pair or any other available 20 MHz channel. While operating a 20 MHz BSS, an IDO STA or an AP may decide to move its BSS, and an AP may decide to switch the BSS to a 20/40 MHz BSS, either alone or in combination with a channel move.
18	bss, entier alone of in combination with a channel move.
19	(E.g., https://standards.ieee.org/standard/802_11n-2009.html).
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1	Radio regulations may require RLANs operating in the 5 GHz band to implement a mechanism to avoid co-
2	channel operation with radar systems and to ensure uniform utilization of available channels. The DFS service is used to satisfy these regulatory requirements.
3	The DFS service provides for the following:
4	 Association of STAs with an AP in a BSS based on the STAs' supported channels.
5	 Quieting the current channel so it can be tested for the presence of radar with less interference from other STAs.
6	— Testing channels for radar before using a channel and while operating in a channel.
7	 Discontinuing operations after detecting radar in the current channel to avoid interference with radar.
8	 Detecting radar in the current and other channels based on regulatory requirements.
0	 Requesting and reporting of measurements in the current and other channels.
9 10	 Selecting and advertising a new channel to assist the migration of a BSS or IBSS after radar is detected.
11	(E.g., https://standards.ieee.org/standard/802_11-2007.html).
10	
12	The requirements described in this subclause apply only when an HT STA is operating in a regulatory class for which the behavior limits set listed in Annex J includes the value 16; i.e., the regulatory class is subject
13	to DFS with 50–100 µs radar pulses.
14	
15	For an HT STA, the following MIB attributes shall be set to TRUE: dot11RegulatoryClassesImplemented, dot11RegulatoryClassesRequired, and dot11ExtendedChannelSwitchEnabled.
13	dorrinegulatory classes required, and dorring kended chambers wrent have be
16	An AP operating a 20/40 MHz BSS, on detecting an OBSS whose primary channel is the AP's secondary
17	channel, switches to 20 MHz BSS operation and may subsequently move to a different channel or pair of channels. An IBSS DFS owner (IDO) STA operating a 20/40 MHz IBSS, on detecting an OBSS whose
10	primary channel is the IDO STA's secondary channel, may choose to move to a different pair of channels.
18	
19	(E.g., <u>https://standards.ieee.org/standard/802_11n-2009.html</u>).
20	20. Plaintiff has been damaged as a result of Defendant's infringing conduct.
21	Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates
22	Plaintiff for such Defendent's infingement of the (201 Detent is in an ensure that her large
23	Plaintiff for such Defendant's infringement of the '291 Patent, <i>i.e.</i> , in an amount that by law
24	cannot be less than would constitute a reasonable royalty for the use of the patented technology,
25	together with interest and costs as fixed by this Court under 35 U.S.C. § 284.
26	21. On information and belief, Defendant has had at least constructive notice of the
27	'291 Patent, by operation of law and marking requirements have been complied with.
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COMPLAINT - 17

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against 7 8 Defendant, and that the Court grant Plaintiff the following relief:

- 9 Judgment that one or more claims of United States Patent No. 7,177,291 have a. 10 been infringed, either literally and/or under the doctrine of equivalents, by 11 Defendant;
- 13 b. Judgment that Defendant account for and pay to Plaintiff all damages to and costs 14 incurred by Plaintiff because of Defendant's infringing activities and other 15 conduct complained of herein;
- 16 That Plaintiff be granted pre-judgment and post-judgment interest on the damages c. 17 caused by Defendant's infringing activities and other conduct complained of 18 herein: 19
 - d. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

1	September 23, 2022	By	<u>s/ Philip P. Mann</u>
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