

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

CELLULAR LINK INNOVATIONS LLC,

Plaintiff,

v.

VERIZON COMMUNICATIONS INC.,
CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS, VERIZON BUSINESS
NETWORK SERVICES LLC, VERIZON
DATA SERVICES LLC, and VERIZON
WIRELESS SERVICES, LLC,

Defendants.

CIVIL ACTION NO. 2:23-cv-00276

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Cellular Link Innovations LLC (“Cellular Link” or “Plaintiff”) files this complaint against Defendants Verizon Communications Inc., Cellco Partnership d/b/a Verizon Wireless, Verizon Business Network Services LLC, Verizon Data Services LLC, and Verizon Wireless Services, LLC (collectively herein, “Defendants”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendants’ infringement of the following United States Patent (the “Asserted Patent”), a copy of which is attached hereto as **Exhibit A**:

	U.S. Patent No.	Title
A.	8,620,230	Wireless Network Architecture And Method For Base Station Utilization

2. Cellular Link seeks injunctive relief and monetary damages.

PARTIES

3. Cellular Link is a limited liability company organized under the laws of the State of Texas, with a place of business at 815 Brazos Street, Suite 500, Austin, TX 78701 (Travis County).

4. Verizon Communications Inc. (“VZ Communications”) is a Delaware corporation with a principal place of business located at 1095 Avenue of the Americas, New York, NY 10036. VZ Communications can be served at its registered agent for service The Corporation Trust Company at Corporation Trust Center 1209 Orange St, Wilmington, DE.

5. Cellco Partnership d/b/a Verizon Wireless (“VZ Wireless”) is a general partnership organized and existing under the laws of the State of Delaware with a principal place of business located at 1 Verizon Way, Basking Ridge, NJ 07920. VZ Wireless can be served at its registered agent for service The Corporation Trust Company at Corporation Trust Center 1209 Orange St, Wilmington, DE.

6. Verizon Business Network Services LLC, (“VZ BNS”) is a limited liability company organized and existing under the laws of the State of Delaware. VZ BNS can be served at its registered agent for service CT Corporation System at 1999 Bryan St, Suite 900, Dallas, TX 75201.

7. Verizon Data Services LLC (“VZ Data Services”) is a limited liability company organized and existing under the laws of the State of Delaware with a principal place of business located at 1 Verizon Way, Basking Ridge, NJ 07920. VZ Data Services can be served at its registered agent for service CT Corporation System at 1999 Bryan St, Suite 900, Dallas, TX 75201

8. Verizon Wireless Services, LLC (“VZ Wireless Services”) is a limited liability company organized and existing under the laws of the State of Delaware with a principal place of business located at 1 Verizon Way, Basking Ridge, NJ 07920. VZW Wireless Services can be served at its registered agent for service CT Corporation System at 1999 Bryan St, Suite 900,

Dallas, TX 75201.

JURISDICTION AND VENUE

9. Cellular Link repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

10. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

11. Venue is proper against Defendants in this District pursuant to 28 U.S.C. § 1400(b) because they have maintained established and regular places of business in this District and have committed acts of patent infringement in this District. *See In re: Cray Inc.*, 871 F.3d 1355, 1362–1363 (Fed. Cir. 2017).

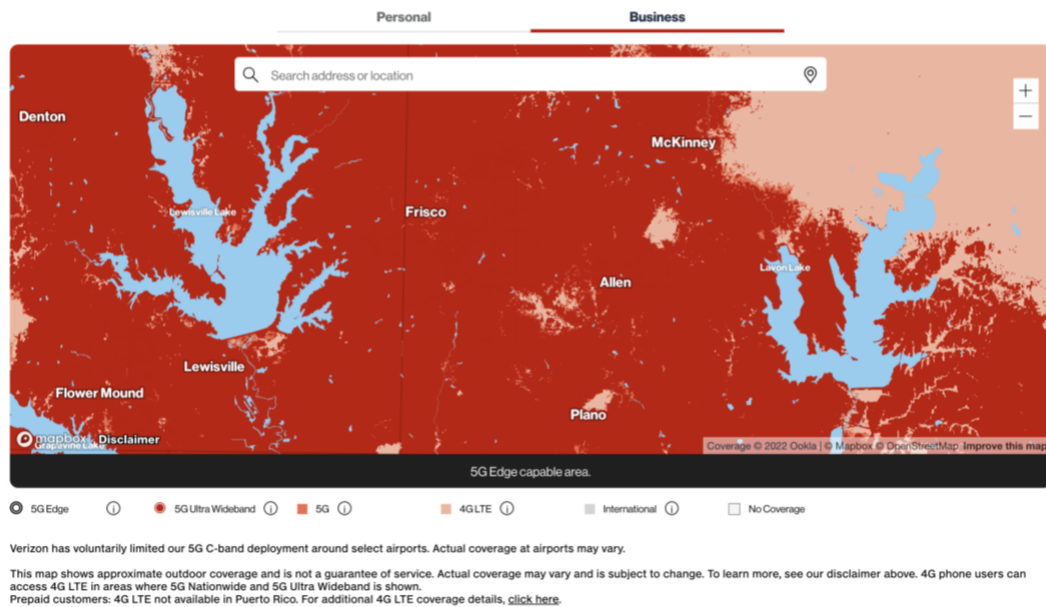
12. Defendants are subject to this Court’s specific and general personal jurisdiction under due process and/or the Texas Long Arm Statute due at least to Defendants’ substantial business in this judicial district, including: (i) at least a portion of the infringement alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

13. Specifically, Defendants intend to do and do business in, have committed acts of infringement in, and continue to commit acts of infringement in this District directly, through intermediaries, by contributing to and through their inducement of third parties, and offer their products or services, including those accused of infringement here, to customers and potential customers located in Texas, including in this District.

14. Upon information and belief and based upon public information, Defendants own, operate, manage, conduct business, and direct and control the operations of, and have employees that work from and out of, facilities at locations in this District, including, but not limited to,

facilities at the following address: (1) 741 N Central Expy, Plano, TX, 75075; (2) 204 Central Expy S, Allen, TX, 75013; (3) 1271 W Exchange Pkwy, Allen, TX, 75013; (4) 190 E Stacy Rd, Allen, TX, 75002; (5) 8049 Preston Rd, Frisco, TX, 75034; (6) 2330 Preston Rd, Frisco, TX, 75034; (7) 2035 N Central Expy, Suite 620, McKinney, TX 75070 (Collin County); (8) 3610 W University Dr, McKinney, TX, 75071; (9) 500 E Loop 281, Longview, Texas 75605 (Gregg County); (10) 1016 W SW Loop 323, Tyler, Texas 75701 (Smith County); (11) 8988 S Broadway Ave, Suite 110, Tyler, TX 75703 (Smith County); (12) 6874 South Broadway Ave, Tyler, TX 75703; (13) 2818 W University Dr, Denton, TX 76201 (Denton County); (14) 1805 S Loop 288, Denton, TX 76205 (Denton County); (15) 3113 N US Hwy 75, Sherman, TX 75090 (Grayson County); (16) 380 Shannon Rd E, Sulphur Springs, Texas 75482 (Hopkins County); and (17) 218 E FM 544, Murphy, TX, 75094. *See Exhibit B; see also Exhibit C.*¹

Explore Verizon 5G and 4G LTE network coverage in your area.



See Ex. B.

¹ Defendants also advertise their Verizon Store locations in Texas at <https://www.verizon.com/stores/state/texas/>.

15. Doing business under the Verizon brand name, Defendants advertise that there are “191 Verizon service areas in Texas,” which includes, at least, locations in Allen, Denton, Frisco, Longview, McKinney, Plano, Sherman, Sulphur Springs, and Tyler. **Ex. C.**

16. Defendants further advertise Verizon’s 5G network services to businesses and residents in this District through direct marking. *See id.*; *see also* **Exhibit D.**²

Verizon Business Service Areas / Texas / McKinney Sales: 1.866.609.0714 [Contact Sales](#)

About Verizon Business Plans and Services in McKinney, TX

Explore Verizon's full selection of wireless business solutions tailored to fit your business. We partner with you to create custom combinations of tech products and services that drive the outcomes your business needs.

Compare our collection of 5G devices for business and find the right one to put our 5G network to work for you. Check the availability of Verizon plans, devices and solutions in the McKinney, TX area.

[Shop plans](#)

Find a Verizon Store

[Find a Location](#)

Verizon Business Services

Open Now - Closes at 6:00 PM

2035 N Central Expy Ste 620 Mckinney, TX 75070

[Get Directions](#) >

[Request a business sales appointment](#)

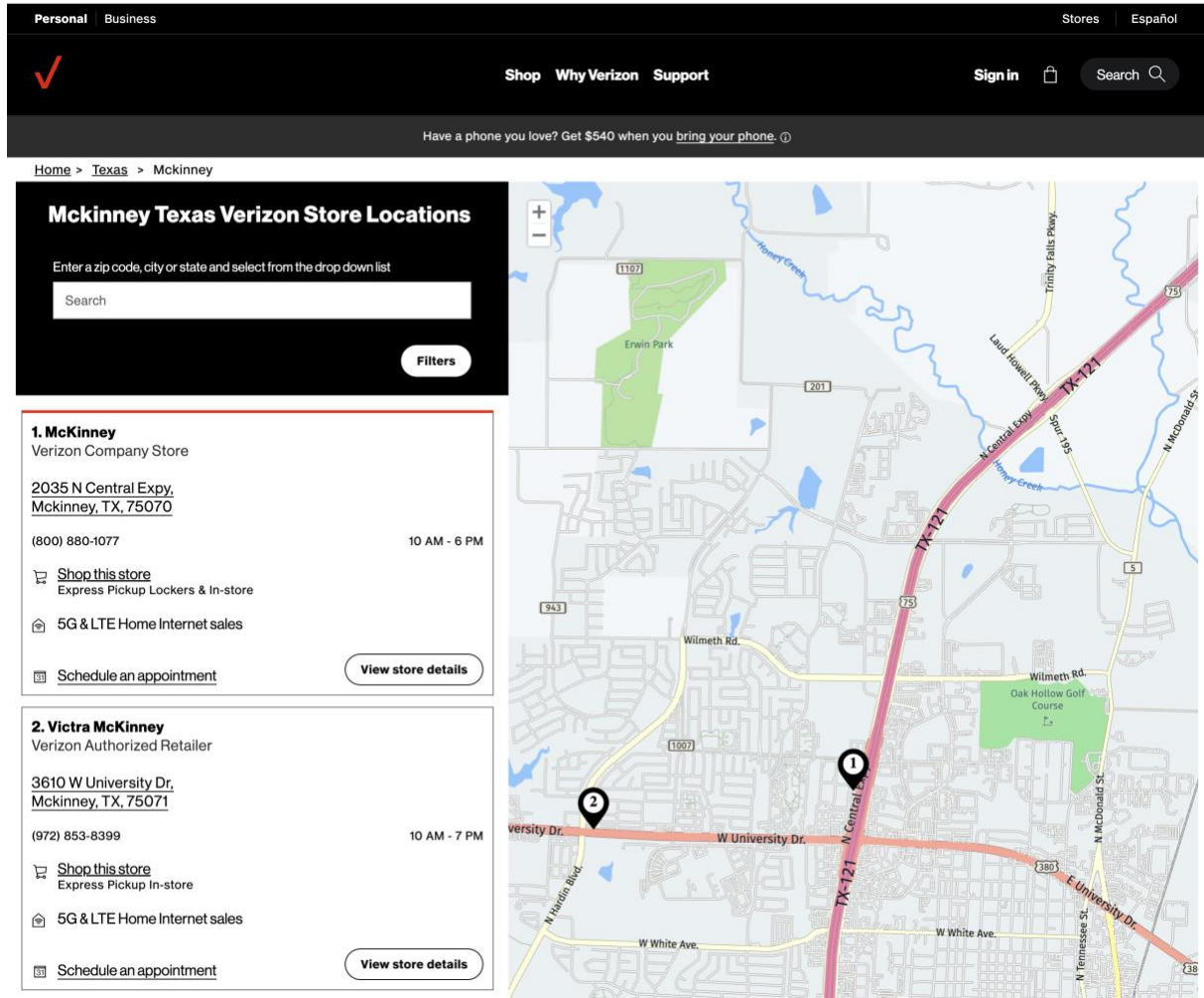
In-Store Pickup ✓

Same Day Delivery ✓

[\(877\) 731-1465](#)

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² <https://www.verizon.com/business/locations/tx/mckinney>; <https://www.verizon.com/stores/city/texas/mckinney>.
³ <https://www.verizon.com/business/locations/tx/mckinney>.



17. Upon information and belief, Defendants also maintain regular and established places of business in this District, including by maintaining and operating communications networks in this District, including on cellular towers and other installation sites owned or leased by Verizon.

18. Defendants are engaging in activities, including but not limited to transacting business in this District and purposefully directing their business activities, including the installation, maintenance, and use of infringing products and other related technologies in this District, and the sale or offer for sale of services and goods in this District to aid, abet, or contribute to the infringement of third parties in this District.

⁴ <https://www.verizon.com/stores/city/texas/mckinney>.

19. Defendants commit acts of infringement in this District, including, but not limited to, selling, offering for sale, and using (including through testing) the Accused Products.

20. Defendants commit acts of induced infringement in this District, including, but not limited to inducement of infringement by their parents, subsidiaries, partners, affiliates, and end-users to use the Accused Products.

21. Defendants commit acts of contributory infringement in this District, including, but not limited to contributing to infringement by their parents, subsidiaries, partners, affiliates, and end-users through their use of the Accused Products.

THE ACCUSED PRODUCTS

22. Cellular Link repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

23. Based upon public information, Defendants, under the Verizon brand name, make, use, sell and/or offer for sale Verizon's 5G network services and associated hardware, software and applications, and provide and practice wireless network architecture and certain methods for base station utilization (herein, the "Accused Products"). *See Exhibit E; see also Exhibit F.*

24. Based upon public information, Defendants own, operate, advertise, and/or control at least the website <https://www.verizon.com> through which they advertise, sell, offer to sell, promote, provide and/or educate customers about Verizon products, including the Accused Products. *See, e.g., Ex. E; Ex. F.*

25. Based upon public information, Defendants, directly and/or through their agents and intermediaries, operate, advertise, and/or control Verizon store locations throughout this District, including, at least, in Allen, Denton, Frisco, Longview, McKinney, Plano, Sherman, Sulphur Springs, and Tyler, through which they and/or their agents or employees use, advertise, provide,

and/or educate third-parties, including but not limited to customers, about the Accused Products. *See, e.g., Ex. B; Ex. C; Ex. D.*

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 8,620,230

26. Cellular Link repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

27. The USPTO duly issued U.S. Patent No. 8,620,230 (the “230 patent”) on December 31, 2013, after full and fair examination of Application No. 12/641,158, which was filed on December 17, 2009. *See Ex. A*, at A-1.

28. The ’230 patent is entitled “Wireless Network Architecture And Method For Base Station Utilization.” *See id.*

29. Cellular Link owns all substantial rights, interest, and title in and to the ’230 patent, with the sole and exclusive right to prosecute this action and enforce the ’230 patent against infringers, and to collect damages for all relevant times.

30. The claims of the ’230 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of wireless network architecture and base station utilization, including but not limited to, for example, for cellular networks.

31. The written description of the ’230 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the priority date. The ’230 patent also identifies and circumscribes all information necessary for a skilled artisan to perform each limitation in the claims in light of that which was known in the art at the

priority date.

32. Defendants have infringed and continue to infringe the '230 patent by making, using, providing, supplying, selling, offering for sale, or distributing the Accused Products.

33. Defendants have directly infringed and continue to directly infringe, either literally or under the doctrine of equivalents, at least claim 13 of the '230 patent.

34. For example, the Accused Products, as used by Defendants or a customer, perform a method for wireless networking comprising providing a plurality of base stations to manage active links to mobile stations within a range; controlling said base stations to provide at least two active links from two base stations simultaneously to a given mobile station in an integral manner for joint signal processing; and providing at least one base station from among said plurality of base stations with a helper link to said mobile station, wherein said controlling comprises jointly processing said two active links to encode transmissions to said mobile station, wherein said base stations and said mobile station are network nodes, and said controlling comprises processing using four network nodes, wherein one of said four network nodes is a receiving mobile station, two of said four network nodes are transmitting base stations performing joint signal processing on an input from a fourth network node of said four network nodes for further joint processing with the respective active link of said fourth network node, wherein the active links are downlinks, for downlink collaboration, wherein the base stations are arranged in clusters, the active links being transmitted from base stations of a same cluster, and wherein the method further comprises each of said base stations separately performing beam forming, the base stations applying a space-time coding permutation between themselves.

35. Since at least the time of receiving this Complaint, Defendants have also indirectly infringed and continue to indirectly infringe the '230 patent by inducing others to directly infringe

the '230 patent. Defendants have induced and continue to induce their parents, subsidiaries, partners, affiliates, and end-users, including Defendants' personnel, customers, potential customers, and other end users, to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '230 patent to use the Accused Products. Defendants took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '230 patent, including, for example, claim 13 of the '230 patent. Such steps by Defendants included, among other things, advising or directing their parents, subsidiaries, partners, affiliates, and end-users, including Defendants' personnel, customers, potential customers, and other end users, to make or use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendants are performing these steps, which constitutes induced infringement with the knowledge of the '230 patent and with the knowledge that the induced acts constitute infringement. Defendants are aware that the normal and customary use of the Accused Products by others would infringe the '230 patent. Defendants' inducement is ongoing.

36. Since at least the time of receiving this Complaint, Defendants have also indirectly infringed and continue to indirectly infringe by contributing to the infringement of the '230 patent. Defendants have contributed and continue to contribute to the direct infringement of the '230 patent by their parents, subsidiaries, partners, affiliates, and end-users, including Defendants' personnel, customers, potential customers, and other end users to directly infringe by encouraging them to use the Accused Products to perform the steps of the patented process as described in one or more claims of the '230 patent, which constitutes either literal infringement or infringement

under the doctrine of equivalents, The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '230 patent, including, for example, claim 13 of the '230 patent. The special features include, for example, the method recited in claim 13, including all the intermediary steps claimed. The special features constitute a material part of the invention of one or more of the claims of the '230 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendants' contributory infringement is ongoing.

37. Defendants had knowledge of the '230 patent at least as of the date they were notified of the filing of this action.

38. Furthermore, on information and belief, Defendants have a policy or practice of not reviewing the patents of others (including instructing their employees to not review the patents of others), and thus have been willfully blind of Cellular Link's patent rights.

39. Defendants' actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendants.

40. Since at least the time of receiving this Complaint, Defendants' direct and indirect infringement of the '230 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of Cellular Link's rights under the patent.

41. Cellular Link or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '230 patent.

42. Cellular Link has been damaged and continues to be damaged as a result of the infringing conduct by Defendants alleged above. Thus, Defendants are liable to Cellular Link in an amount that compensates it for such infringement, 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.

43. Cellular Link has suffered and continues to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Cellular Link has and will continue to suffer this harm by virtue of Defendants' infringement of the '230 patent. Defendants' actions have interfered with and will interfere with Cellular Link' ability to license technology. The balance of hardships favors Cellular Link' ability to commercialize its own ideas and technology. The public interest in allowing Cellular Link to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

JURY DEMAND

44. Cellular Link hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

45. WHEREFORE, Cellular Link requests that the Court find in its favor and against Defendants, and that the Court grant Cellular Link the following relief:

- a. Judgment that one or more claims of the Asserted Patent has been infringed, either literally or under the doctrine of equivalents, by Defendants or all others acting in concert therewith;
- b. Judgment that Defendants have induced infringement of one or more claims of the Asserted Patent, either literally or under the doctrine of equivalents, by their parents, subsidiaries, partners, affiliates, and end-users, including Defendants' personnel, customers, potential customers, and/or other end users;
- c. Judgment that Defendants have contributed to the infringement of one or more claims of the Asserted Patent, either literally or under the doctrine of equivalents, by their parents, subsidiaries, partners, affiliates, and end-users, including Defendants'

personnel, customers, potential customers, and/or other end users;

- d. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '230 patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the '230 patent by such entities;
- e. Judgment that Defendants account for and pay to Cellular Link all damages to and costs incurred by Cellular Link because of Defendants' infringing activities and other conduct complained of herein;
- f. Judgment that Defendants' infringement of the '230 patent be found willful, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- g. Pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- h. That this Court declare this an exceptional case and award Cellular Link its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- i. All other and further relief as the Court may deem just and proper under the circumstances.

Dated: June 14, 2023

Respectfully submitted,

By: /s/ James F. McDonough, III

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Attorneys for Plaintiff CELLULAR LINK INNOVATIONS LLC

*Admitted to the Eastern District of Texas

List Of Exhibits

- A. U.S. Patent No. 8,620,230
- B. Verizon Website | Verizon Coverage Map
- C. Verizon Website | Business Service in Texas
- D. Verizon Website | Verizon Store Locations in Texas
- E. Verizon Website | Verizon 5G and 5G Ultra Wideband – Check Availability
- F. Verizon Website | Verizon 5G news and updates