

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

<p>NODAL TECHNOLOGIES LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>AT&T MOBILITY LLC</p> <p style="text-align: center;">Defendant.</p>	<p>Case No.</p> <p style="text-align: center;">Jury Trial Demanded</p>
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Nodal Technologies LLC, by and through the undersigned counsel, files this Complaint for patent infringement against Defendant AT&T Mobility LLC (“AT&T”) and in support states, all upon information and belief:

PARTIES

1. Plaintiff Nodal Technologies LLC is a limited liability company organized and existing under the laws of the State of Texas and having its office address at 1903 Toro Canyon Rd., Austin TX 78746 (“Nodal” or “Plaintiff”).

2. Nodal is the owner of record and assignee of United States 6,711,409 (“the ‘409 patent”) and has standing to sue and recover all past damages for infringement of the ‘409 Patent.

3. Upon information and belief, defendant AT&T is a limited liability company organized and existing under the laws of Delaware, with its principal place of business at 1025 Lenox Park Boulevard NE, Atlanta, Georgia 30319. AT&T is doing business, either directly or through its agents, on an ongoing basis in this judicial district and elsewhere in the United States, and has a regular and established place of business in this judicial district. AT&T may be served

through its registered agents, C.T. Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because it arises under the patent laws of the United States.

5. This Court has personal jurisdiction over AT&T because, *inter alia*, AT&T has minimum contacts with Texas and this district such that this venue is a fair and reasonable one. AT&T conducts substantial business in this forum, including (i) engaging in the infringing conduct alleged herein and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this district.

6. Venue in the Eastern District of Texas is proper under 28 U.S.C. §§ 1391(b) and (c) and 1400(b)

7. Upon information and belief, AT&T has committed infringing acts in this judicial district by making, using offering for sale, selling or importing products or services that infringe the '409 patent. On information and belief, AT&T maintains a 'regular and established' place of business in this district, including by (a) maintaining or controlling retail stores in this district, (b) maintaining and operating infringing base stations in the district, including on cellular towers and other installation sites owned or leased by AT&T, and (c) maintaining and operating other places of business in this district, including those where research, development, or sales are conducted where customer service is provided, or where repairs are made.

8. Upon information and belief, AT&T has a regular and established physical presence in the district, including but not limited to, ownership of or control over property

inventory, or infrastructure. For example, AT&T 's website (<http://www.att.com/stores/>) displays information for retail stores located at 4757 South Broadway Avenue, Tyler, Texas 75703 (among others), all of which lie within this federal judicial district.

9. AT&T is registered to do business in Texas. Its registered mailing address is 1010 N Saint Mary's Street Room 9-Y01, San Antonio, Texas 78215-2109, and its registered agent is Agent C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

10. AT&T also has what it refers to as AT&T Foundry in Plano, Texas, which it uses to design, test, use and sell telecommunications services.

11. In other recent actions, AT&T has either admitted or not contested that this federal judicial district is a proper venue for patent infringement actions against it. *See, e.g.*, Answer to Am. Compl. ¶¶ 14, 17, *Sol IP v. AT&T Mobility LLC*, No. 2:18-cv-526 (E.D. Tex. Apr. 4, 2019), ECF No. 113; Answer ¶¶ 12–13 & Counterclaims ¶ 2, *IPCom, GmbH & Co. KG v. AT&T Inc., et al.*, No. 2:20-cv-322 (E.D. Tex. Dec. 18, 2020), ECF No. 21. AT&T has also admitted or failed to contest that it has transacted business in this district. *See, e.g.*, *Sol IP*, Answer to Am. Compl. ¶¶ 15–17; *IPCom*, Answer ¶ 11–13.

12. AT&T derives benefits from its presence in this federal judicial district, including, but not limited to, sales revenue and serving customers using its mobile network in this district. For example, AT&T receives revenue from its corporate stores in this district, by selling network access, phones/products, and services and by receiving payment for network access, phones/products, and services.

COUNT I – INFRINGEMENT OF THE '409 PATENT

13. Plaintiff restates and incorporates by reference the foregoing allegations.

14. U.S. Patent No. 6,711,409 entitled “Node Belonging To Multiple Clusters In An Ad Hoc Wireless Network” (the “’409 Patent”) was duly and legally issued on March 23, 2004. A true and correct copy of the ’409 Patent is attached as Exhibit A.

15. In violation of 35 U.S.C. § 271(a), AT&T has infringed one or more of the method claims, including Claim 1 and Claim 2, of the ’409 Patent by using its LTE v.10-compliant and 5-G compliant wireless telecommunications networks (“the Accused Instrumentalities”).

16. Attached hereto as Exhibit B, and incorporated herein by reference, is a claim chart providing evidence that compares the Accused Instrumentalities to each element of Claim 1 and Claim 2 of the ’409 patent. The claim chart provides evidence of infringement of Claim 1 and Claim 2 of the ’409 patent by AT&T’s use of the Accused Instrumentalities.

17. As a result of AT&T’s infringement of at least one of the method claims of the ’409 Patent, Plaintiff has suffered damages.

18. Nodal is entitled to a money judgment in an amount adequate to compensate for the AT&T’s infringement, but in no event less than a reasonable royalty, for the use made of the ’409 patent by AT&T, together with interest and costs as fixed by the Court.

JURY DEMAND

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

PRAYER FOR RELIEF

Plaintiff Nodal Technologies LLC respectfully requests that the Court find in its favor and against AT&T, and that the Court grant Plaintiff the following relief:

A. an adjudication that AT&T has infringed the ’409 Patent;

- B. an award of damages to be paid by AT&T adequate to compensate Plaintiff for the AT&T past infringement of the '409 Patent, including pre-judgment and post-judgment interest, costs, expenses, and an accounting of all infringing acts;
- C. that this Court find this case to be exceptional pursuant to 35 U.S.C. § 285, that the infringement has been willful, and that this Court award Nodal its attorneys' fees, costs, and expenses in this action, and an award of treble damages; and
- D. any and all such further relief at law or in equity that the Court may deem just and proper.

Dated: September 20, 2023

Respectfully submitted by:

/s/ Andrew W. Stinson

Sean T. O'Kelly (#4349)
Gerard M. O'Rourke (#3265)
O'Kelly & O'Rourke, LLC
824 N. Market Street
Suite 1001A
Wilmington, DE 19801
(302) 478-4230
sokelly@okorlaw.com
gorourke@okorlaw.com

Andrew W. Stinson
State Bar No. 24028013
RAMEY & FLOCK, PC
100 E. Ferguson Street, Suite 500
Tyler, TX 75702
903-597-3301
andys@rameyflock.com

Attorneys for Plaintiff Nodal Technologies LLC