

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

FLEET CONNECT SOLUTIONS LLC,

Plaintiff,

v.

BROTHER INTERNATIONAL
CORPORATION,

Defendant.

CIVIL ACTION NO. 2:24-cv-00134

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Fleet Connect Solutions LLC (“FCS” or “Plaintiff”) files this complaint against Brother International Corporation (“Brother” or “Defendant”) 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 Defendant’s infringement of the following United States Patents (collectively, the “Asserted Patents”), issued by the United States Patent and Trademark Office (“USPTO”):

	Patent No.	Reference
1.	7,058,040	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7058040
2.	7,260,153	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7260153
3.	7,656,845	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7656845
4.	7,742,388	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7742388
5.	8,005,053	https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8005053

2. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

3. Plaintiff is a limited liability company formed under the laws of Texas with its registered office address located in Austin, Texas (Travis County).

4. On information and belief, Defendant is a corporation organized under the laws of the State of Delaware with its principal place of business located at 200 Crossing Blvd. Bridgewater, New Jersey 08807.

5. Upon information and belief based on public records, Defendant is registered with the Texas Secretary of State to conduct business in this state and has been since March 29, 1995.

6. Defendant may be served through its agent for service in Texas, Corporation Service Company, located at 211 E. 7th Street, Suite 620, Austin, Texas, 78701.

7. Defendant may also be served through its agent for service in Delaware, Corporation Service Company, located at 251 Little Falls Drive, Wilmington, Delaware, 19808.

JURISDICTION AND VENUE

8. FCS repeats and re-alleges the allegations in Paragraphs above as though fully set forth in their entirety.

9. 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).

10. Defendant is subject to this Court's specific and general personal jurisdiction under due process due at least to Defendant's substantial business in this judicial district, including: (i) at least a portion of the infringements alleged herein; (ii) regularly transacting, doing, and/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; and (iii) having an interest in, using or possessing real property in Texas.

11. Specifically, Defendant intends to do and does business in, has committed acts of infringement in, and continues to commit acts of infringement in this District directly, through intermediaries, by contributing to and through its inducement of third parties, and offers its products or services, including those accused of infringement here, to customers and potential customers located in this District.

12. Defendant has purposefully directed infringing activities at residents of the State of Texas, and this litigation results from those infringing activities. Defendant regularly sells (either directly or indirectly), its products within this District. For example, upon information and belief, Defendant has placed and continues to place the QL-820NWB Printer into the stream of commerce *via* an established distribution channel with the knowledge or understanding that such products are being and will continue to be sold in this District and the State of Texas. Defendant is subject to this Court's specific and/or general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due to its substantial and pervasive business in this State and District, including its infringing activities alleged herein, from which Defendant derives substantial revenue from goods sold to Texas residents and consumers.

13. Defendant commits acts of infringement from this District, including, but not limited to, use of the QL-820NWB Printer and inducement of third parties to use the QL-820NWB Printer.

14. Defendant has authorized sellers and sales representatives that offer and sell products in this Complaint through the State of Texas, including in this Judicial District, and to consumers throughout this Judicial District, such as the Walmart store located at #1701 East End Blvd. N., Marshall, Texas 7567#, the Best Buy and Office Depot stores located at 422 W. Loop 281, Longview, Texas 75606.

15. Therefore, venue is proper against Defendant in this District pursuant to 28 U.S.C. §

1400(b).

THE ACCUSED PRODUCTS

16. FCS repeats and re-alleges the allegations in Paragraphs above as though fully set forth in their entirety.

17. Defendant uses, causes to be used, provides, supplies, or distributes one or more computing devices, including, but not limited to the following “Accused Products”:

- Brother Wireless printers/scanners, including at least models:
 - MFCJ4535DW¹;
 - MFCL3780CDW²;
 - DS940DW³;
 - RDS940DW⁴;
 - ADS1700W⁵; and
 - RADS1700W⁶.
- Brother Wireless label printers
 - Brother QL-820NWB Network Label Printer (“QL-820NWB Printer”)⁷
 - Brother PTE550W Wireless Handheld Labeling Tool (“PTE550W Labeling Tool”)⁸.

18. On information and belief, the Accused Products perform wireless communications

¹ <https://www.brother-usa.com/products/mfcj4535dw> (last visited February 23, 2024)

² <https://www.brother-usa.com/products/mfcl3780cdw> (last visited February 23, 2024)

³ <https://www.brother-usa.com/products/ds940dw> (last visited February 23, 2024)

⁴ <https://www.brother-usa.com/products/rds940dw> (last visited February 23, 2024)

⁵ <https://www.brother-usa.com/products/ads1700w> (last visited February 23, 2024)

⁶ <https://www.brother-usa.com/products/rads1700w> (last visited February 23, 2024)

⁷ <https://www.brother-usa.com/products/QL820NWB#specification> (last visited February 23, 2024)

⁸ <https://www.brother-usa.com/products/pte550w> (last visited February 23, 2024).

and methods associated with performing and/or implementing wireless communications including, but not limited to, wireless communications and methods pursuant to various protocols and implementations, including, but not limited to, Bluetooth, IEEE 802.11, and various subsections thereof, including, but not limited to, 802.11ac, 802.11b, and 802.11n.

19. On information and belief, the wireless communications perform and/or implemented by the Accused Products, among other things, transmit data over various media, compute time slot channels, generate packets for network transmissions, perform or cause to be performed error estimation in orthogonal frequency division multiplexed (“OFDM”) receivers, and various methods of processing OFDM symbols.

20. For these reasons and the additional reasons detailed below, the Accused Products practice at least one claim of each of the Asserted Patents.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,058,040

21. FCS repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

22. The USPTO duly issued U.S. Patent No. 7,058,040 (the “’040 patent”) on June 6, 2006, after full and fair examination of Application No. 09/962,718 which was filed September 21, 2001. The ’040 patent is entitled “Channel Interference Reduction.”

23. FCS owns all substantial rights, interest, and title in and to the ’040 patent, including the sole and exclusive right to prosecute this action and enforce the ’040 patent against infringers and to collect damages for all relevant times.

24. The claims of the ’040 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 preexisting data transmission methods.

25. The written description of the '040 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 time of the invention.

26. FCS 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 '040 patent.

27. Defendant has directly infringed and continue to directly infringe the '040 patent by manufacturing, providing, supplying, using, distributing, selling, or offering to sell the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer.

28. Defendant has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least claim 1 of the '040 patent. For example, Defendant, using the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer, performs a method for data transmission over first and second media that overlap in frequency. The method includes computing one or more time division multiple access (TDMA) time-slot channels to be shared between the first and second media for data transmission; allocating one or more time-slot channels to the first medium for data transmission; allocating one or more of the remaining time-slot channels to the second medium for data transmission; and dynamically adjusting a number of timeslot channels assigned to one of the first and second media during the data transmission to remain within limits of a desired level of service.

29. Defendant has indirectly infringed and continues to indirectly infringe by inducing others to directly infringe one or more claims of the '040 patent. Defendant has induced and continue to induce customers and end-users, including, but not limited to, Defendant's customers, employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '040 patent by providing or requiring use of the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer. Defendant has taken active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer in a manner that infringes one or more claims of the '040 patent, including, for example, claim 1. Such steps by Defendant has included, among other things, advising or directing customers, personnel, contractors, or end-users to use the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer in an infringing manner; advertising and promoting its use in an infringing manner; or distributing instructions that guide users to use the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer in an infringing manner. Defendant has been performing these steps, which constitute induced infringement with the knowledge of the '040 patent and with the knowledge that the induced acts constitute infringement. Defendant has been aware that the normal and customary use of the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer by others would infringe the '040 patent. Defendant's inducement is ongoing.

30. Defendant has indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '040 patent. Defendant has contributed and continue to contribute to the direct infringement of the '040 patent by its customers, personnel, and contractors. The MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer has 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 '040 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '040 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

31. Defendant had knowledge of the '040 patent at least as of the date the original complaint was filed.

32. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of FCS's patent rights.

33. Defendant's 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 Defendant.

34. Defendant's infringement of the '040 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of FCS's rights under the patent.

35. FCS has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to FCS in an amount that compensates it for such infringements, 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.

36. FCS has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. FCS has and will continue to suffer this harm by virtue of Defendant's infringement of the '040 patent. Defendant's actions have interfered with and will interfere with FCS's ability to license technology. The balance of hardships favors FCS's ability to commercialize its own ideas and technology. The public interest in allowing FCS to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,260,153

37. FCS repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

38. The USPTO duly issued U.S. Patent No. 7,260,153 (the “’153 patent”) on August 21, 2007, after full and fair examination of Application No. 10/423,447, which was filed on April 28, 2003. The ’153 patent is entitled “Multi Input Multi Output Wireless Communication Method and Apparatus Providing Extended Range and Extended Rate Across Imperfectly Estimated Channels.”

39. FCS owns all substantial rights, interest, and title in and to the ’153 patent, including the sole and exclusive right to prosecute this action and enforce the ’153 patent against infringers and to collect damages for all relevant times.

40. The claims of the ’153 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 voice and data communications systems.

41. The written description of the ’153 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 time of the invention.

42. Defendant has directly infringed the ’153 patent by importing, selling, manufacturing, offering to sell, using, providing, supplying, or distributing the Accused Products.

43. Defendant has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least claim 1 of the ’153 patent. For example, Defendant,

using the Accused Products, performs a method for evaluating a channel of a multiple-input multiple-output (“MIMO”) wireless communication system allowing two or more communication devices with multiple radiating elements to transmit parallel data sub-streams which defines a channel matrix metric of cross-talk signal-to-noise (“SNR”) for the sub-streams, estimates the channel matrix metric, performs a singular value decomposition (“SVD”) of the channel matrix metric estimate to calculate estimated channel singular values, and using the channel matrix metric and estimated channel singular values to calculate a crosstalk measure for the sub-streams.

44. Defendant has also indirectly infringed and continues to indirectly infringe the ’153 patent by inducing others to directly infringe the ’153 patent. Defendant has induced distributors and end-users, including, but not limited to, Defendant’s employees, partners, contractors, or customers, to directly infringe, either literally or under the doctrine of equivalents, the ’153 patent by providing or requiring use of the Accused Products. Defendant 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 ’153 patent, including, for example, claim 1 of the ’153 patent. Such steps by Defendant include, among other things, advising or directing personnel, contractors, or end-users to 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. Defendant is performing these steps, which constitute induced infringement with the knowledge of the ’153 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the ’153 patent. Defendant’s inducement is ongoing.

45. Defendant has also indirectly infringed and continues to indirectly infringe by

contributing to the infringement of the '153 patent. Defendant has contributed to the direct infringement of the '153 patent by its personnel, contractors, distributors, and customers. 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 '153 patent, including, for example, claim 1 of the '153 patent. The special features constitute a material part of the invention of one or more of the claims of the '153 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

46. Defendant had knowledge of the '153 patent at least as of the date the original complaint was filed.

47. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus has been willfully blind of FCS's patent rights.

48. Defendant's 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 Defendant.

49. Defendant's direct infringement of the '153 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of FCS's rights under the patent.

50. FCS 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 '153 patent.

51. FCS has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to FCS in an amount that compensates it for such infringements, 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.

52. FCS has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. FCS has and will continue to suffer this harm by virtue of Defendant's infringement of the '153 patent. Defendant's actions have interfered with and will interfere with FCS's ability to license technology. The balance of hardships favors FCS's ability to commercialize its own ideas and technology. The public interest in allowing FCS to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,656,845

53. FCS repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

54. The USPTO duly issued U.S. Patent No. 7,656,845 (the "'845 patent") on February 2, 2010 after full and fair examination of Application No. 11/402,172 which was filed on April 11, 2006. The '845 patent is entitled "Channel Interference Reduction." A Certificate of Correction was issued on November 30, 2010.

55. FCS owns all substantial rights, interest, and title in and to the '845 patent, including the sole and exclusive right to prosecute this action and enforce the '845 patent against infringers and to collect damages for all relevant times.

56. The claims of the '845 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 preexisting systems and methods of wireless communication with a mobile unit.

57. The written description of the '845 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 time of

the invention.

58. Defendant has directly infringed the '845 patent by importing, selling, manufacturing, offering to sell, using, providing, supplying, or distributing the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer.

59. Defendant has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least claim 1 of the '845 patent. For example, the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer used by Defendant provide a system comprising a processor, a first transceiver configured to communicate *via* a first medium, a second transceiver configured to communicate *via* a second medium, wherein at least one of the first transceiver and the second transceiver is configured to retry transmission of a packet at a lower rate if a prior transmission of the packet is not acknowledged, an allocation unit configured to dynamically allocate data channels to one of the first medium and the second medium based upon a desired level of service.

60. Defendant has also indirectly infringed and continues to indirectly infringe by inducing others to directly infringe the '845 patent. Defendant has induced distributors and end-users, including, but not limited to, Defendant's employees, partners, contractors, or customers, to directly infringe, either literally or under the doctrine of equivalents, the '845 patent by providing or requiring use of the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer in a manner that infringes one or more claims of the '845 patent, including, for example, claim 1 of the '845 patent. Such steps by Defendant include, among other things, advising or directing personnel, contractors, or end-users to use the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer in

an infringing manner; advertising and promoting the use of the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer in an infringing manner; or distributing instructions that guide users to use the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '845 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer by others would infringe the '845 patent. Defendant's inducement is ongoing.

61. Defendant has also indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '845 patent. Defendant has contributed to the direct infringement of the '845 patent by its personnel, contractors, distributors, and customers. The MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer has 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 '845 patent, including, for example, claim 1 of the '845 patent. The special features constitute a material part of the invention of one or more of the claims of the '845 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

62. Defendant had knowledge of the '845 patent at least as of the date the original complaint was filed.

63. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus has been willfully blind of FCS's patent rights.

64. Defendant's 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 Defendant.

65. Defendant's direct infringement of the '845 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of FCS's rights under the patent.

66. FCS 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 '845 patent.

67. FCS has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to FCS in an amount that compensates it for such infringements, 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.

68. FCS has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. FCS has and will continue to suffer this harm by virtue of Defendant's infringement of the '845 patent. Defendant's actions have interfered with and will interfere with FCS's ability to license technology. The balance of hardships favors FCS's ability to commercialize its own ideas and technology. The public interest in allowing FCS to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 7,742,388

69. FCS repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

70. The USPTO duly issued U.S. Patent No. 7,742,388 (the "'388 patent") on June 22, 2010, after full and fair examination of Application No. 11/185,665 which was filed July 20, 2005. The '388 patent is entitled "Packet Generation Systems and Methods."

71. FCS owns all substantial rights, interest, and title in and to the '388 patent, including the sole and exclusive right to prosecute this action and enforce the '388 patent against infringers and to collect damages for all relevant times.

72. The claims of the '388 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 preexisting systems and methods of generating packets in a digital communications system.

73. The written description of the '388 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 time of the invention.

74. FCS 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 '388 patent.

75. Defendant has directly infringed and continue to directly infringe one or more claims of the '388 patent by manufacturing, providing, supplying, using, distributing, selling, or offering to sell the Accused Products.

76. Defendant has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least claim 1 of the '388 patent. For example, Defendant performs a method including generating a packet with a size corresponding to a protocol used for a network transmission, wherein the packet comprises a preamble having a first training symbol and a second training symbol. The method further includes increasing the size of the packet by adding subcarriers to the second training symbol of the packet to produce an extended packet, wherein a quantity of subcarriers of the second training symbol is greater than a quantity of subcarriers of the first training symbol; and transmitting the extended packet from an antenna.

77. Defendant has indirectly infringed and continues to indirectly infringe the '388 patent by inducing others to directly infringe the '388 patent. Defendant has induced and continue to induce customers and end-users, including, but not limited to, Defendant's customers, employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '388 patent by providing or requiring use of the Accused Products. Defendant has taken 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 '388 patent, including, for example, claim 1. Such steps by Defendant has included, among other things, advising or directing customers, personnel, contractors, or end-users to 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. Defendant has been performing these steps, which constitute induced infringement with the knowledge of the '388 patent and with the knowledge that the induced acts constitute infringement. Defendant has been aware that the normal and customary use of the Accused Products by others would infringe the '388 patent. Defendant's inducement is ongoing.

78. Defendant has indirectly infringed and continues to indirectly infringe by contributing to the infringement of the '388 patent. Defendant has contributed and continue to contribute to the direct infringement of the '388 patent by its customers, personnel, and contractors. 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 '388 patent, including, for example, claim 1. The special features constitute a material part of the invention of one or more of the claims of the '388 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

79. Defendant had knowledge of the '388 patent at least as of the date the original complaint was filed.

80. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of FCS's patent rights.

81. Defendant's 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 Defendant.

82. Defendant's infringement of the '388 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of FCS's rights under the patent.

83. FCS has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to FCS in an amount that compensates it for such infringements, 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.

84. FCS has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. FCS has and will continue to suffer this harm by virtue of Defendant's infringement of the '388 patent. Defendant's actions have interfered with and will interfere with FCS's ability to license technology. The balance of hardships favors FCS's ability to commercialize its own ideas and technology. The public interest in allowing FCS to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

COUNT V: INFRINGEMENT OF U.S. PATENT NO. 8,005,053

85. FCS repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

86. The USPTO duly issued U.S. Patent No. 8,005,053 (the "'053 patent") on August 23,

2011, after full and fair examination of Application No. 12/696,760, which was filed on January 29, 2010. The '053 patent is entitled "Channel Interference Reduction."

87. FCS owns all substantial rights, interest, and title in and to the '053 patent, including the sole and exclusive right to prosecute this action and enforce the '053 patent against infringers and to collect damages for all relevant times.

88. The claims of the '053 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 voice and data communications systems.

89. The written description of the '053 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 time of the invention.

90. Defendant has directly infringed the '053 patent by importing, selling, manufacturing, offering to sell, using, providing, supplying, or distributing the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer.

91. Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '053 patent. For example, the MFCJ4535DW MFCL3780CDW, and QL-820NWB Printer used by Defendant performs a method comprising a communication device storing data encoded for a plurality of different wireless protocols, the communication device including a plurality of wireless transceivers, each of which is configured to transmit data according to a corresponding one of the plurality of different wireless protocols where the

communication device selects one of the plurality of different wireless protocols and encodes data of an unselected one of the plurality of different wireless protocols into the selected wireless protocol, and transmits the encoded data using the one of the plurality of wireless transceivers corresponding to the selected wireless protocol.

92. FCS 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 '053 patent.

93. FCS has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to FCS in an amount that compensates it for such infringements, 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.

JURY DEMAND

94. FCS hereby requests a trial by jury on all issues so triable by right.

PRAYER FOR RELIEF

95. FCS requests that the Court find in its favor and against Defendant, and that the Court grant FCS the following relief:

- a. Judgment that one or more claims of each of the Asserted Patents has been infringed, either literally or under the doctrine of equivalents, by Defendant or others acting in concert therewith;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '040 patent, the '153 patent, the '845 patent, and the '388 patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the Asserted Patents by such entities;
- c. Judgment that Defendant account for and pay to FCS all damages to and costs incurred

by FCS because of Defendant's infringing activities and other conduct complained of herein;

- d. Judgment that Defendant's infringements of the '040 patent, the '153 patent, the '845 patent, and the '388 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;
- e. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- f. That this Court declare this an exceptional case and award FCS its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- g. All other and further relief as the Court may deem just and proper under the circumstances.

Dated: February 23, 2024

Respectfully submitted,

By: */s/ James F. McDonough, III*

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Attachments

1. Civil Cover Sheet
2. Proposed Summons