

1 THOMAS F. ZUBER (SBN 226260)  
 tzuber@zuberlawler.com  
 2 JEFFREY J. ZUBER (SBN 220830)  
 jzuber@zuberlawler.com  
 3 J. RAZA LAWRENCE (SBN 233771)  
 rlawrence@zuberlawler.com  
 4 **ZUBER LAWLER LLP**  
 350 S. Grand Avenue, 32nd Floor  
 5 Los Angeles, California 90071 USA  
 Telephone: +1 (213) 596-5620  
 6 Facsimile: +1 (213) 596-5621  
 7 Attorneys for Plaintiff SPADA  
 Innovations, Inc.  
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 9

10 **UNITED STATES DISTRICT COURT**  
 11 **CENTRAL DISTRICT OF CALIFORNIA**

12 SPADA INNOVATIONS, INC.,  
 13  
 Plaintiff,  
 14  
 v.  
 15 AT&T INC.  
 16  
 Defendant.

Case No.

**PLAINTIFF SPADA INNOVATIONS,  
 INC.’S COMPLAINT FOR PATENT  
 INFRINGEMENT – ACTION  
 SEEKING STATEWIDE OR  
 NATIONWIDE RELIEF**

**Demand for Jury Trial**

18  
 19 Plaintiff SPADA Innovations, Inc. (“SPADA”), for its Complaint herein  
 20 against AT&T Inc. (“AT&T”), avers as follows:

21 **JURISDICTION AND VENUE**

22 1. This is an action for patent infringement arising under the Patent Laws  
 23 of the United States, Title 35, United States Code. In this lawsuit, SPADA alleges  
 24 that AT&T has infringed two patents owned by SPADA that claim methods of using  
 25 a Passive Optical Network (PON) to distribute virtually separated signals that are part  
 26 of a combined data stream received by the PON and delivered to end users such that  
 27 only the intended recipient can access the information in that combined data stream  
 28 intended for that user.

1           2.       This Court has jurisdiction over the subject matter of this action under  
2 28 U.S.C. §§ 1331 and 1338(a).

3           3.       This Court has personal jurisdiction over AT&T because AT&T  
4 conducts business in this Judicial District, has committed acts of patent infringement  
5 in this Judicial District, and has regular and established places of business in this  
6 Judicial District.

7           4.       Venue within this Judicial District is proper under 28 U.S.C. §§ 1391(b)  
8 and (c), and 1400(b) because AT&T has committed acts of infringement in this  
9 Judicial District and has regular and established places of business in this Judicial  
10 District.

11                                 THE PARTIES AND FACTUAL BACKGROUND

12           5.       Plaintiff SPADA is a California corporation with a principal place of  
13 business at 12270 Ranch House Road, San Diego, California 92128. SPADA is in  
14 the business of developing and licensing methods to provide voice, video and data to  
15 homes and businesses using virtually separated signals with PONs in a simple,  
16 economical, green and high-speed manner.

17           6.       On information and belief, defendant AT&T is a Delaware corporation  
18 with a principal place of business in Dallas, Texas.

19           7.       Defendant AT&T advertises on the Internet and offers its infringing  
20 AT&T PON based high-speed Fiber services for sale to businesses and to Internet  
21 subscribers in this Judicial District and throughout the United States. On information  
22 and belief, AT&T makes such sales, for example, through its att.com website.

23           8.       U.S. patent 11,070.898 (“the ‘898 patent”), entitled “MUTUALLY  
24 SECURE OPTICAL DATA NETWORK AND METHOD,” was duly and legally  
25 issued to Joseph Vilella on July 20, 2021. Mr. Vilella, who is the President and CEO  
26 of SPADA, assigned ownership of all right, title and interest in and to the ‘898 patent  
27 to SPADA, including the right to sue for and to recover for past infringement thereof.  
28 Accordingly, SPADA is the owner by assignment of the ‘898 patent. SPADA still

1 owns all right, title and interest in and to the ‘898 patent, including the right to sue for  
2 and to recover for past infringement. A true and correct copy of the ‘898 patent is  
3 attached as Exhibit A to this Complaint.

4 9. U.S. patent 11,589,142 (“the ‘142 patent”), entitled “MUTUALLY  
5 SECURE OPTICAL DATA NETWORK AND METHOD,” was duly and legally  
6 issued to Joseph Vilella on February 21, 2023. Mr. Vilella, who is the President and  
7 CEO of SPADA, assigned ownership of all right, title and interest in and to the ‘142  
8 patent to SPADA, including the right to sue for and to recover for past infringement  
9 thereof. Accordingly, SPADA is the owner by assignment of the ‘142 patent.  
10 SPADA still owns all right, title and interest in and to the ‘142 patent, including the  
11 right to sue for and to recover for past infringement. A true and correct copy of the  
12 ‘142 patent is attached as Exhibit B to this Complaint.

13 10. On information and belief, AT&T has been aware of the ‘898 patent and  
14 of the ‘142 patent since at least May 30, 2024, when SPADA notified AT&T of the  
15 ‘898 patent and of the ‘142 patent in connection with communications between  
16 SPADA and AT&T in which SPADA offered to license its patents to AT&T.

17 11. AT&T has infringed, and is infringing, at least Claim 4 of the ‘898 patent  
18 in this Judicial District and elsewhere in the United States by making, using, offering  
19 to sell and selling AT&T PON-based high-speed Fiber services to businesses and to  
20 subscribers. AT&T performs all of the steps of at least Claim 4 of the ‘898 patent  
21 when AT&T provides AT&T PON-based high-speed Fiber services to its customers.

22 12. AT&T practices a “digital network communication method” as claimed  
23 in Claim 4 of the ‘898 patent. AT&T was using the claimed method at the time the  
24 ‘898 patent issued and continues to use the claimed method today. AT&T is an  
25 Internet Service Provider (ISP) that, to satisfy critical information security  
26 considerations and information speed demands of its subscribers, performs each of  
27 the steps of the claimed method using virtually separated private data streams  
28 provided to AT&T by service providers or generated by AT&T itself, and sent

1 through AT&T's PONs to the intended AT&T subscribers.

2           13. AT&T practices the step of "receiving from at least one passive optical  
3 network (PON) interface router out of a plurality of PON interface routers at a PON  
4 optical line terminal (OLT), at least one private data stream out of a plurality of data  
5 streams" as claimed in Claim 4 of the '898 patent. AT&T provides Internet Protocol  
6 (IP)-based services to its subscribers using PONs. Those services can include  
7 transmission of digitized voice, video and data information. Publicly available  
8 information and the PON-based high-speed Fiber services advertised by AT&T show  
9 AT&T's use of PONs. The advertised speeds available via AT&T's PON networks  
10 convey Virtual Private Networks (VPNs). The PONs used by AT&T provide  
11 subscribers with competitive data speeds. Each PON includes an optical aggregation  
12 switch, referred to as an Optical Line Terminal (OLT), and one or more passive  
13 optical splitters that connect the OLT to several Optical Network Units (ONUs). An  
14 OLT can receive private data streams directly from a PON interface router, or  
15 indirectly via a network aggregation switch connected between one or more PON  
16 interface routers and the OLT. Data streams that include private data streams are sent  
17 to an OLT, which creates one or more identical distribution feeds also referred to as  
18 common data feeds. The private data streams are intended for specific subscribers.  
19 AT&T's OLTs receive from their associated PON interface routers virtually separated  
20 private IP data streams to deliver various services intended for specific subscribers.

21           14. The step practiced by AT&T includes that "said at least one private data  
22 stream is virtually separated using Virtual Routing and Forwarding (VRF) to form at  
23 least one virtually separated private data stream comprised of Multi-Protocol Label  
24 Switching (MPLS) data packages that have been uniquely labelled using MPLS for  
25 further identification as MPLS labelled data packages," as claimed in claim 4 of the  
26 '898 patent. One or more private data streams received by AT&T's OLTs have been  
27 virtually separated using VRF. These virtually separated private data streams are  
28 comprised of pre-appended anti-spoofing MPLS labels per the RFC 4381 Standard's

1 Section 3.4, titled Label Spoofing. The CE router and all other devices, including the  
2 PON, receive and pass IP packets, without recognizing in them the pre-appended  
3 MPLS label or interfering with the MPLS label. VRF is used to generate virtually  
4 separate private data streams in accordance with the RFC 4364 Standard and its  
5 supporting RFC 4381 Standard and RFC 4382 Standard. Each PE router maintains a  
6 separate Virtual, Routing and Forwarding instance (VRF) for each connected VPN.  
7 A VRF includes the addresses of that VPN as well as the addresses of the PE routers  
8 with which the CE routers are peering. All addresses of a VRF, including these PE  
9 addresses, belong logically to the VPN and are accessible from the VPN.

10 15. The step practiced by AT&T includes that “said at least one virtually  
11 separated private data stream including said MPLS labelled data packages is intended  
12 for at least one of a plurality of ONUs, and wherein said at least one of a plurality of  
13 ONUs serves at least one of a plurality of private user devices” as claimed in claim 4  
14 of the ‘898 patent. This step is performed by AT&T because a virtually separated  
15 private data stream intended for a specific subscriber of AT&T is sent to its associated  
16 OLT and placed within a common data feed. The OLT sends that common data feed  
17 to its ONUs via its associated optical splitters. The ONU that services the subscriber  
18 for which the virtually separated private data stream was intended strips it out of the  
19 common data feed and makes it available to such subscriber.

20 16. AT&T practices the step of “aggregating within said OLT said plurality  
21 of data streams and said at least one virtually separated private data stream into a  
22 common data feed” as claimed in claim 4 of the ‘898 patent. AT&T’s OLTs aggregate  
23 data streams, including virtually separated private data streams, and provide the  
24 resulting aggregated data streams via the OLT distribution PON ports as common data  
25 feeds. This step is performed by AT&T’s PON OLTs, which converge and distribute  
26 to their associate splitters, data streams that can include at least one virtually separated  
27 private data stream intended for a specific subscriber. A PON OLT is the main  
28 headend equipment of each different variant of PON. The OLT receives data streams

1 from various services and converges those signals for distribution as a single beam of  
2 light delivered via its PON ports. Each OLT can support multiple PON ports  
3 depending on the capacity of its chassis. All PON variants, including those used by  
4 AT&T, use PON OLTs.

5 17. AT&T practices the step of “distributing said common data feed to said  
6 plurality of ONUs” as claimed in claim 4 of the ‘898 patent. This step is performed  
7 by AT&T’s PONs because a common data feed including data streams that can  
8 contain virtually separated private data streams intended for specific subscribers is  
9 sent to multiple PON ONUs. Each active PON Port within the OLT sends its single  
10 beam of light with the converged IP signal to several ONUs.

11 18. AT&T practices the step of “replicating said common data feed using at  
12 least one optical splitter connected to said plurality of ONUs” as claimed in claim 4  
13 of the ‘898 patent. This step is performed by AT&T’s PONs. Within all PON variants,  
14 the converged signal from the PON port is replicated by an optical splitter connected  
15 to a group of ONUs. For example, a 1-to-32 optical splitter can be connected to 32  
16 ONUs. Such ONUs receive the same converged beam of light, with the converged IP  
17 signal replicated for each ONU. Available Optical Splitter configurations can be 1-  
18 to-2, 1-to-4, 1-to-8, 1-to-16, 1-to-32 and 1-to-64.

19 19. AT&T practices the step of “delivering said common data feed to said  
20 plurality of ONUs” as claimed in claim 4 of the ‘898 patent. This step is performed  
21 by AT&T’s PONs. Each ONU connected to an optical splitter receives the common  
22 data feed carried by the converged beam of light provided by a PON port within the  
23 OLT.

24 20. AT&T practices the step of “extracting within said at least one of said  
25 plurality of ONUs, said at least one virtually separated private data stream including  
26 said MPLS labelled data packages from said common data feed” as claimed in claim  
27 4 of the ‘898 patent. This step is performed by AT&T’s PONs. Each ONU extracts  
28 from its common data feed the private data stream information to be received by the

1 subscriber associated with that ONU.

2           21. AT&T practices the step of “sending said at least one virtually separated  
3 private data stream including said MPLS labelled data packages from said at least one  
4 of said plurality of ONUs to said at least one of a plurality of private user devices” as  
5 claimed in claim 4 of the ‘898 patent. This step is performed by AT&T’s PONs. Each  
6 ONU sends the IP data packages of the virtually separated private data stream  
7 intended for one or more specific subscribers to those subscribers.

8           22. AT&T has infringed, and is infringing, at least Claims 5 and 8 of the  
9 ‘142 patent in this Judicial District and elsewhere in the United States by making,  
10 using, offering to sell and selling AT&T PON-based high-speed Fiber services to  
11 businesses and to subscribers. AT&T performs all of the steps of at least Claims 5  
12 and 8 of the ‘142 patent when AT&T provides AT&T PON-based high-speed Fiber  
13 services to its customers.

14           23. AT&T practices a “digital network communication method” as claimed  
15 in Claim 5 of the ‘142 patent. AT&T was using the claimed method by the time the  
16 ‘142 patent issued. AT&T is an ISP that, to satisfy critical information security  
17 considerations and information speed demands of its subscribers, performs each of  
18 the steps of the claimed method using virtually separated private data streams  
19 provided to AT&T by service providers or generated by AT&T itself, and sent  
20 through AT&T’s PONs to the intended AT&T subscribers.

21           24. AT&T practices the step of “receiving from at least one passive optical  
22 network (PON) interface router out of a plurality of PON interface routers at a PON  
23 optical line terminal (OLT), at least one private data stream out of a plurality of data  
24 streams” as claimed in Claim 5 of the ‘142 patent. AT&T provides IP-based services  
25 to its subscribers using PONs. Those services can include digitized voice, video and  
26 data information. Publicly available information and the PON-based services  
27 advertised by AT&T show AT&T’s use of PONs. The advertised speeds available  
28 via AT&T’s PON networks convey Virtual Private Networks (VPNs). The PONs

1 used by AT&T provide subscribers with competitive data speeds. Each PON  
2 includes an OLT and one or more passive optical splitters that connect the OLT to  
3 several ONUs. An OLT can receive private data streams directly from a PON  
4 interface router, or indirectly via a network aggregation switch connected between  
5 one or more PON interface routers and the OLT. Data streams that include private  
6 data streams are sent to an OLT, which creates one or more identical distribution  
7 feeds. The private data streams are intended for a specific subscriber. AT&T's OLTs  
8 receive from their associated PON interface routers virtually separate private IP data  
9 streams to deliver various services intended for specific subscribers.

10 25. The step practiced by AT&T includes that “said at least one private data  
11 stream has been virtually separated using Virtual Routing and Forwarding (VRF) to  
12 form at least one virtually separated private data stream comprised of Internet  
13 Protocol (IP) data packages” as claimed in claim 5 of the ‘142 patent. One or more  
14 private data stream received by AT&T’s OLTs have been virtually separated using  
15 VRF. These virtually separated data streams are comprised of IP data packages. VRF  
16 is used to generate virtually separate private data streams in accordance with the RFC  
17 4364 Standard and its supporting RFC 4381 Standard and RFC 4382 Standard –  
18 MPLS/BGP Layer 3 VPN Management Information Base. In further support of VRF  
19 and the private data streams VRF creates, RFC 4381 Standard, Section 3.1 – Address  
20 Space, Routing, and Traffic Separation, Page 6 states:

21 “BGP/MPLS allows distinct IP VPNs to use the same address space,  
22 which can also be private address space (RFC 1918 [2]). This is achieved by  
23 adding a 64-bit Route Distinguisher (RD) to each IPv4 route, making VPN-  
24 unique addresses also unique to the MPLS core. This ‘extended’ address is also  
25 called a ‘VPN-IPv4 address.’” Thus, customers of a BGP/MPLS IP VPN  
26 service do not need to change their current addressing plan.

27 “Each PE router maintains a separate Virtual, Routing and Forwarding  
28 instance (VRF) for each connected VPN. A VRF includes the addresses of that



1 VPN as well as the addresses of the PE routers with which the CE routers are  
2 peering. All addresses of a VRF, including these PE addresses, belong logically  
3 to the VPN and are accessible from the VPN....”

4 26. The step practiced by AT&T includes that “said at least one virtually  
5 separated private data stream including said IP data packages is intended for at least  
6 one of a plurality of ONUs, and wherein said at least one of a plurality of ONUs serves  
7 at least one private user device of a plurality of user devices” as claimed in claim 5 of  
8 the ‘142 patent. This step is performed by AT&T because a virtually separated private  
9 data stream intended for a specific subscriber of AT&T is sent by the OLT that  
10 receives it to the ONUs that such OLT provisions via its associated optical splitters.  
11 The ONU that services the subscriber for which the virtually separated private data  
12 stream was intended strips it out of the common data feed and makes it available to  
13 such subscriber.

14 27. AT&T practices the step of “aggregating within said OLT said plurality  
15 of data streams and said at least one virtually separated private data stream into a  
16 common data feed” as claimed in claim 5 of the ‘142 patent. AT&T’s OLTs aggregate  
17 data streams, including virtually separated private data streams, and provide the  
18 resulting aggregated data streams via the OLT distribution PON ports as common data  
19 feeds. This step is performed by AT&T’s PON OLTs, which converge and distribute  
20 to their associated splitters data streams that can include at least one virtually  
21 separated private data stream intended for a specific subscriber. A PON OLT is the  
22 main headend equipment of each different variant of PON. The OLT receives data  
23 streams from various services and converges those signals for distribution as a single  
24 beam of light delivered via its PON ports. Each OLT can support multiple PON ports  
25 depending on the capacity of its chassis. All PON variants, including those used by  
26 AT&T, use PON OLTs.

27 28. AT&T practices the step of “distributing said common data feed to said  
28 plurality of ONUs,” as claimed in claim 5 of the ‘142 patent. This step is performed

1 by AT&T's PONs because a common data feed including data streams that can  
2 contain virtually separated private data streams intended for specific subscribers is  
3 sent to multiple PON ONUs. Each active PON Port within the OLT sends its single  
4 beam of light with the converged IP signal to several ONUs.

5 29. AT&T practices the step of "replicating said common data feed using at  
6 least one optical splitter connected to said plurality of ONUs" as claimed in claim 5  
7 of the '142 patent. This step is performed by AT&T's PONs. Within all PON variants,  
8 the converged signal from the PON port is replicated by an optical splitter connected  
9 to a group of ONUs. For example, a 1-to-32 optical splitter can be connected to 32  
10 ONUs. Such ONUs receive the same converged beam of light, with the converged IP  
11 signal replicated for each ONU.

12 30. AT&T practices the step of "delivering said common data feed to said  
13 plurality of ONUs" as claimed in claim 5 of the '142 patent. This step is performed  
14 by AT&T's PONs. Each ONU connected to an optical splitter receives the common  
15 data feed carried by the converged beam of light provided by a PON port within the  
16 OLT.

17 31. AT&T practices the step of "extracting within said at least one of said  
18 plurality of ONUs, said at least one virtually separated private data stream including  
19 said IP data packages from said common data feed" as claimed in claim 5 of the '142  
20 patent. This step is performed by AT&T's PONs. Each ONU extracts from its  
21 common data feed the private data stream information to be received by a subscriber  
22 associated with that ONU.

23 32. AT&T practices the step of "sending said at least one virtually separated  
24 private data steam including said IP data packages from said at least one of said  
25 plurality of ONUs to said at least one of a plurality of private user devices" as claimed  
26 in claim 5 of the '142 patent. This step is performed by AT&T's PONs. Each ONU  
27 sends the IP data packages of the virtually separated private data stream intended for  
28 one or more specific subscribers to those subscribers.

1           33. AT&T has infringed, and is infringing, at least Claim 8 of the ‘142 patent  
2 in this Judicial District and elsewhere in the United States by making, using, offering  
3 to sell and selling AT&T PON-based high-speed Fiber services to businesses and to  
4 subscribers. AT&T performs all of the steps of Claim 8 of the ‘142 patent when  
5 AT&T provides AT&T PON-based high-speed Fiber services to its customers.

6           34. AT&T practices a “digital network communication method” as claimed  
7 in Claim 8 of the ‘142 patent. AT&T’s use of the claimed method began before the  
8 ‘142 patent issued. AT&T is an ISP that, to satisfy critical information security  
9 considerations and information speed demands of its subscribers, performs each of  
10 the steps of the claimed method using virtually separated private data streams  
11 provided to AT&T by service providers or generated by AT&T itself, and sent  
12 through AT&T’s PONs to the intended AT&T subscribers.

13           35. AT&T practices the step of “receiving at a passive optical network  
14 (PON) optical line terminal (OLT), at least one private data stream out of a plurality  
15 of data streams,” as claimed in Claim 8 of the ‘142 patent. AT&T uses PONs to  
16 provide the data speeds of AT&T PON-based high-speed Fiber services. Each PON  
17 includes an OLT and one or more passive optical splitters that connect the OLT to  
18 several ONUs. AT&T’s PON OLT receives one or more private data streams to  
19 provide to one or more end users within AT&T’s PON network. Data streams that  
20 include private data streams are sent to an OLT, which creates one or more identical  
21 distribution feeds. The private data streams are intended for specific end users within  
22 AT&T’s PON network.

23           36. The step practiced by AT&T includes that “said at least one private data  
24 stream has been virtually separated using Virtual Routing and Forwarding (VRF) to  
25 form at least one virtually separated private data stream comprised of Internet  
26 Protocol (IP) data packages” as claimed in claim 8 of the ‘142 patent. One or more  
27 private data streams received by AT&T’s OLTs have been virtually separated using  
28 VRF. The virtually separated data streams are comprised of IP data packages.

1           37. The step practiced by AT&T includes that “said at least one virtually  
2 separated private data stream including said IP data packages is intended for at least  
3 one of a plurality of ONUs, and wherein said at least one of a plurality of ONUs serves  
4 at least one private user device of a plurality of user devices” as claimed in claim 8 of  
5 the ‘142 patent. This step is performed by AT&T because a virtually separated private  
6 data stream, intended for a specific subscriber of AT&T, is sent by the OLT that  
7 receives it to the ONUs that such OLT provisions via its associated optical splitters.  
8 The ONU that services the subscriber for which the virtually separated private data  
9 stream was intended strips it out of the common data feed and makes it available to  
10 such subscriber.

11           38. AT&T practices the step of “aggregating within said OLT said plurality  
12 of data streams and said at least one virtually separated private data stream into a  
13 common data feed” as claimed in claim 8 of the ‘142 patent. AT&T’s OLTs aggregate  
14 data streams, including virtually separated private data streams, and provide the  
15 resulting aggregated data streams via the OLT distribution PON ports as common data  
16 feeds. This step is performed by AT&T’s PON OLTs, which converge and distribute  
17 to their associated splitters data streams that can include at least one virtually  
18 separated private data stream intended for specific subscriber. A PON OLT is the  
19 main headend equipment of each different variant of PON. The OLT receives data  
20 streams from various services and converges those signals for distribution as a single  
21 beam of light delivered via its PON ports. Each OLT can support multiple PON ports  
22 depending on the capacity of its chassis. All PON variants, including those used by  
23 AT&T, use PON OLTs.

24           39. AT&T practices the step of “distributing said common data feed to said  
25 plurality of ONUs” as claimed in claim 8 of the ‘142 patent. This step is performed  
26 by AT&T’s PONs because a common data feed including data streams that can  
27 contain virtually separated private data streams intended for specific subscribers is  
28 sent to multiple PON ONUs. Each active PON Port within the OLT sends its single

1 beam of light with the converged IP signal to several ONUs.

2 40. AT&T practices the step of “replicating said common data feed using at  
3 least one optical splitter connected to said plurality of ONUs” as claimed in claim 8  
4 of the ‘142 patent. This step is performed by AT&T’s PONs. Within all PON variants,  
5 the converged signal from the PON port is replicated by an optical splitter connected  
6 to a group of ONUs. For example, a 1-to-32 optical splitter can be connected to 32  
7 ONUs. Such ONUs receive the same converged beam of light, with the converged IP  
8 signal replicated for each ONU.

9 41. AT&T practices the step of “delivering said common data feed to said  
10 plurality of ONUs” as claimed in claim 8 of the ‘142 patent. This step is performed  
11 by AT&T’s PONs. Each ONU connected to an optical splitter receives the common  
12 data feed carried by the converged beam of light provided by a PON port within the  
13 OLT.

14 42. AT&T practices the step of “extracting within said at least one of said  
15 plurality of ONUs, said at least one virtually separated private data stream including  
16 said IP data packages from said common data feed” as claimed in claim 8 of the ‘142  
17 patent. This step is performed by AT&T’s PONs. Each ONU extracts from its  
18 common data feed the private data stream information to be received by a subscriber  
19 associated with that ONU.

20 43. AT&T practices the step of “sending said at least one virtually separated  
21 private data steam including said IP data packages from said at least one of said  
22 plurality of ONUs to said at least one of a plurality of private user devices” as claimed  
23 in claim 8 of the ‘142 patent. This step is performed by AT&T’s PONs. Each ONU  
24 sends the IP data packages of the virtually separated private data stream intended for  
25 one or more specific subscribers to those subscribers.

26 44. On information and belief, AT&T’s infringement has been, and is,  
27 willful and deliberate. On information and belief, AT&T has been aware of the ‘898  
28 and ‘142 patents since at least May 30, 2024, and has continued to provide its AT&T

1 PON-based high-speed Fiber services that infringes the '898 patent and the '142  
2 patent.

3 45. SPADA has been suffering, and will continue to suffer damages, as a  
4 result of AT&T's infringing acts, and will suffer further irreparable injury unless  
5 AT&T is enjoined from infringing the '898 patent and the '142 patent.

6 COUNT I

7 (Infringement of '898 Patent)

8 46. SPADA realleges and incorporates by reference the allegations set forth  
9 in paragraphs 1-45 above.

10 47. AT&T has directly infringed and continues to directly infringe, literally  
11 and/or under the doctrine of equivalents, one or more claims of the '898 patent,  
12 including but not limited to Claim 4 of the '898 patent, by making, using, offering to  
13 sell, or selling infringing AT&T PON-based high-speed Fiber services in violation of  
14 35 U.S.C. § 271.

15 48. As a result of AT&T's infringement of the '898 patent, SPADA has suffered  
16 monetary damages, and seeks recovery in an amount adequate to compensate for  
17 AT&T's infringement, but in no event less than a reasonable royalty for the use made  
18 of the invention by AT&T, together with interest and costs as fixed by the Court.

19 COUNT II

20 (Infringement of '142 Patent)

21 49. SPADA realleges and incorporates by reference the allegations set forth  
22 in paragraphs 1-45 above.

23 50. AT&T has directly infringed and continues to directly infringe, literally  
24 and/or under the doctrine of equivalents, one or more claims of the '142 patent,  
25 including but not limited to Claims 5 and 8 of the '142 patent, by making, using,  
26 offering to sell or selling infringing AT&T PON-based high-speed Fiber services in  
27 violation of 35 U.S.C. § 271.

28 51. As a result of AT&T's infringement of the '142 patent, SPADA has

1 suffered monetary damages, and seeks recovery in an amount adequate to compensate  
2 for AT&T's infringement, but in no event less than a reasonable royalty for the use  
3 made of the invention by AT&T, together with interest and costs as fixed by the Court.

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5 PRAYER FOR RELIEF

6 WHEREFORE, plaintiff SPADA requests that this Court enter a judgment:

7 A. That SPADA is the owner of all right, title and interest in and to U.S.  
8 patent 11,070,898. together with all rights of recovery under the '898 patent;

9 B. That SPADA is the owner of all right, title and interest in and to U.S.  
10 patent 11,589,142. together with all rights of recovery under the '142 patent;

11 C. That AT&T has infringed and is infringing at least one claim of the '898  
12 patent;

13 D. That AT&T has infringed and is infringing at least one claim of the '142  
14 patent;

15 E. That 'the '898 patent is valid and enforceable in law;

16 F. That 'the '142 patent is valid and enforceable in law;

17 G. Awarding to SPADA its damages caused by AT&T's infringement,  
18 together with prejudgment and post-judgment interest;

19 H. That AT&T's infringement is and has been willful and damages be  
20 trebled pursuant to 35 U.S.C. § 284;

21 I. That this is an exceptional case and awarding to SPADA its costs,  
22 expenses and reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

23 J. Permanently enjoining AT&T and its officers, directors, agents,  
24 servants, affiliates, employees, divisions, branches, subsidiaries, parents and all others  
25 acting in active concert therewith from infringement of the '898 patent or the '142  
26 patent; and

27 K. Awarding to SPADA such other and further relief as this Court may  
28 deem just and proper.

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

Dated: August 7, 2024

Respectfully submitted,

**ZUBER LAWLER LLP**

THOMAS F. ZUBER

JEFFREY J. ZUBER

J. RAZA LAWRENCE

By:           /s/ Thomas F. Zuber            
Attorneys for Plaintiff SPADA  
Innovations, Inc.