

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

MOBILITY WORKX, LLC,

*Plaintiff,*

v.

AMAZON.COM SERVICES  
LLC and AMAZON WEB  
SERVICES, INC.,

*Defendants.*

Case No. 4:24-cv-1060

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Mobility Workx, LLC (“Plaintiff” or “Mobility Workx”) files this complaint against Defendants Amazon.com Services LLC (“Amazon.com”), and Amazon Web Services, Inc. (“AWS”) (collectively, “Defendant” or “Amazon”) for infringement of U.S. Patents Nos. 7,697,508 (the “’508 Patent”) and 8,213,417 (the “’417 Patent”) (collectively the “Patents in Suit”).

**I. PARTIES**

1. Plaintiff Mobility Workx LLC is a Florida limited liability company that maintains its principal place of business at 215 Circle Drive, Winters, TX 79567.

2. Mobility Workx is the owner of U.S. Patent No. 7,697,508, entitled “System, Apparatus, and Methods for Proactive Allocation of Wireless

Communication Resources,” issued April 13, 2010.

3. Mobility Workx is the owner of U.S. Patent No. 8,213,417, entitled “System, Apparatus, and Methods for Proactive Allocation of Wireless Communication Resources,” issued July 3, 2012.

4. Amazon.com is a Delaware limited liability company with a principal place of business at 410 Terry Avenue North, Seattle, Washington 98109. Amazon.com is registered to do business in Texas and its registered agent is Corporation Service Company DBA CSC – Lawyers Inco, 211 E. 7th Street, Suite 620, Austin, TX 78701.

5. AWS is a Delaware corporation with the same principal place of business as Amazon.com at 410 Terry Avenue North, Seattle, Washington 98109. AWS is also registered to do business in Texas and has the same registered agent as Amazon.com, i.e. Corporation Service Company DBA CSC – Lawyers Inco, 211 E. 7th Street, Suite 620, Austin, TX 78701.

6. Amazon.com and AWS are subsidiaries of Amazon.com, Inc. and are thus related through common corporate ownership and control.

7. Amazon.com owns the website [amazon.com](https://amazon.com) and operates a portion of the website at [www.amazon.com](https://www.amazon.com) to sell products and services. AWS operates a subdomain of Amazon.com’s website at [aws.amazon.com](https://aws.amazon.com) to sell services. Through the [www.amazon.com](https://www.amazon.com) website and [aws.amazon.com](https://aws.amazon.com) subdomain, Amazon offers for

sale and sells various accused products and services. Amazon.com and AWS are collectively referred to as Defendant or Amazon because they hold themselves out to the public as one company, represent to the Securities and Exchange Commission and other government entities that they are one company, and offer their products and services through the same amazon.com website.

8. Amazon makes, uses, offers to sell, sells, and/or imports accused products and services in Texas and in this District.

## **II. JURISDICTION AND VENUE**

9. Mobility Workx's patent infringement claims arise under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has jurisdiction over the subject matter of this Complaint under 28 U.S.C. §§ 1331 and 1338(a).

10. This Court has personal jurisdiction over Defendant because it conducts substantial business throughout Texas, including in this District, and derives substantial revenue from products and/or services it makes, uses, offers to sell, sells, or imports in Texas and this District that infringe the Patents in Suit.

11. Venue is proper in this District and division pursuant to 28 U.S.C. §§ 1391 and 1400, because Defendant has both committed acts of infringement and has regular and established places of business in this District.

12. Amazon has regular and established places of business in this District

including Amazon.com fulfillment centers at 15201 Heritage Parkway, Fort Worth, Texas 76177, 3501 Research Drive, Richardson, Texas 75082, and 4121 International Pkwy, Carrollton, Texas 75007, and an AWS server rack at 1649 W. Frankford Road, Carrollton, Texas, all of which are in this District.

13. By holding itself out to the public and the government as a single entity, and by using the website [www.amazon.com](http://www.amazon.com) and subdomain [aws.amazon.com](http://aws.amazon.com) to offer to sell and sell its products and services, Amazon has ignored corporate separateness, making venue proper as to both Amazon.com and AWS by virtue of the acts of the other. Further still, the Site Terms for the AWS subdomain state that, “AWS’s Copyright Agent for notice of claims of copyright infringement” is “Amazon.com Legal Department.” See [https://aws.amazon.com/terms/?nc1=f\\_pr](https://aws.amazon.com/terms/?nc1=f_pr). Thus, while separate corporate entities, Amazon.com and AWS are related companies that have not maintained corporate separateness.

### **III. COUNT I: INFRINGEMENT OF THE ‘508 PATENT**

14. Mobility Workx hereby restates, realleges, and incorporates by reference the foregoing paragraphs of the Complaint as if fully stated herein. Mobility Workx further alleges as follows:

15. Mobility Workx is the owner by assignment of all rights, title, and interest in the ‘508 Patent. A copy of the ‘508 patent is attached hereto as Exhibit 1. The ‘508 Patent is presumed valid and enforceable.

16. Upon information and belief, Defendant makes, uses, offers for sale, sells, or imports certain products and services (“Accused Handover Products/Services”) in the United States and in this District that directly infringe one or more claims of the ‘508 Patent literally or under the doctrine of equivalents, including at least claims 7 and 14 of the ‘508 Patent as set forth in the preliminary infringement claim chart attached as Exhibit 2.

17. Upon information and belief, Defendant knowingly and intentionally induces infringement of the ‘508 Patent in violation of 35 U.S.C. § 271(b). Prior to, or at least through, the filing and service of this complaint, Defendant knew of the ‘508 Patent and the infringing nature of the Accused Handover Products/Services. Defendant however continues to actively encourage users of its products and services to make and use the Accused Handover Products/Services so as to directly infringe the ‘508 Patent. Defendant does so with knowledge and intent that the users of its products and services commit these acts of infringement.

18. Defendant also continues to make, use, offer for sale, sell, and/or import the Accused Handover Products/Services despite knowing of the ‘508 Patent, thereby specifically intending for and inducing users of its products and services to infringe the ‘508 Patent through their ordinary use of the Accused Handover Products/Services.

19. On information and belief, Defendant contributes to infringement of the

‘508 Patent by making, using, offering to sell, selling, and/or importing the Accused Handover Products/Services that have no substantial non-infringing uses.

20. To the extent Defendant has infringed or continues to infringe after knowledge of the ‘508 Patent, such infringement is deliberate, knowing, and willful under 35 U.S.C § 271.

21. Mobility Workx, under 35 U.S.C. § 284, may recover damages adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, Defendant, together with interest and costs as fixed by the Court. Plaintiff has complied with the patent marking statute, 35 U.S.C. § 287.

22. The Court should declare this an exceptional case under 35 U.S.C. § 285, entitling Mobility Workx to recover treble damages and attorneys’ fees.

#### **IV. COUNT II: INFRINGEMENT OF THE ‘417 PATENT**

23. Mobility Workx hereby restates, realleges, and incorporates by reference the foregoing paragraphs of the Complaint as if fully stated herein.

24. Mobility Workx is the owner by assignment of all rights, title, and interest in the ‘417 Patent. A copy of the ‘417 patent is attached hereto as Exhibit 3. The ‘417 Patent was subject to an *Inter Partes* Review and claims 3 and 6 remain valid and enforceable.

25. Upon information and belief, Defendant makes, uses, offers for sale,

sells, or imports Accused Handover Products/Services in the United States and in this District that directly infringe one or more claims of the '417 Patent, literally or under the doctrine of equivalents, including at least claims 3 and 6 of the '417 Patent as set forth in the preliminary infringement claim chart attached as Exhibit 4.

26. Upon information and belief, Defendant knowingly and intentionally induces infringement of the '417 Patent in violation of 35 U.S.C. § 271(b). Prior to, or at least through, the filing and service of this complaint, Defendant knew of the '417 Patent and the infringing nature of the Accused Handover Products/Services. Defendant however continues to actively encourage users of its products and services to use the Accused Handover Products/Services so as to directly infringe the '417 Patent. Defendant does so with knowledge and intent that the users of its products and services commit these acts of infringement. Defendant also continues to make, use, offer for sale, sell, and/or import the Accused Handover Products/Services despite knowing of the '417 Patent, thereby specifically intending for and inducing users of its products and services to infringe the '417 Patent through their ordinary use of the Accused Handover Products/Services.

27. On information and belief, Defendant contributes to infringement of the '417 Patent by making, using, offering to sell, selling, and/or importing the Accused Handover Products/Services that have no substantial non-infringing uses.

28. To the extent Defendant has infringed or continues to infringe after

knowledge of the '417 Patent, such infringement is deliberate, knowing, and willful under 35 U.S.C § 271.

29. Mobility Workx, under 35 U.S.C. § 284, may recover damages adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, Defendant, together with interest and costs as fixed by the Court. Plaintiff has complied with the patent marking statute, 35 U.S.C. § 287.

30. The Court should declare this an exceptional case under 35 U.S.C. § 285, entitling Mobility Workx to recover treble damages and attorneys' fees.

### **PRAYER FOR RELIEF**

Mobility Workx respectfully requests that the Court enter:

- a. A judgment that the Patents in Suit are valid and enforceable;
- b. A judgment that Defendant has infringed directly and indirectly, either literally and/or under the doctrine of equivalents, the Patents in Suit;
- c. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the Patents in Suit;
- d. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against Defendant;

e. Any and all injunctive or equitable relief to which Mobility Workx is entitled, including but not limited to ongoing royalties with respect to Defendant's infringement of the Patents in Suit; and,

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

**DEMAND FOR JURY TRIAL**

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

Dated: November 29, 2024

Respectfully Submitted,

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