

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SISVEL INTERNATIONAL S.A.,

3G LICENSING S.A.,

Plaintiffs,

v.

DELL, INC.,

Defendant.

Civil Action No. 1:19-cv-01247-LPS

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Sisvel International S.A. and 3G Licensing S.A. (collectively, “Plaintiffs”), for their Second Amended Complaint against Defendant Dell, Inc. (“Defendant”), allege the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Sisvel International S.A. (“Sisvel”) is an entity organized under the laws of Luxembourg with a place of business at 6, Avenue Marie Thérèse, 2132 Luxembourg, Grand Duchy of Luxembourg.

3. 3G Licensing S.A. (“3G Licensing”) is also an entity organized under the laws of Luxembourg with a place of business at 6, Avenue Marie Thérèse, 2132 Luxembourg, Grand Duchy of Luxembourg.

4. Founded in Italy in 1982, Sisvel is a world leader in fostering innovation and managing intellectual property. Sisvel works with its partners offering a comprehensive approach to patent licensing: from issuing initial calls for essential patents; facilitating discussions among stakeholders; developing multiparty license agreements; executing and administering licenses; to collecting and distributing royalties. At the same time, Sisvel actively promotes a culture of respect and understanding of the intellectual property and innovation ecosystem through, for example, its regular presence at the key consumer electronics trade fairs and intellectual property events, participation in policy discussions and conferences, as well as open dialogues with a number of government bodies, standard-setting organizations and industry associations.

5. In early 2016, Sisvel initiated licensing activities in North America via its U.S. subsidiary, Sisvel US Inc.

6. A subsidiary of the Sisvel Group founded in 2015, 3G Licensing, is an intellectual property company operating in the consumer electronics and telecommunications industry. The company is composed of specialists with an extensive experience in administering licensing programs on behalf of third-party companies and organizations.

7. Upon information and belief, Defendant is a corporation organized and existing under the laws of Delaware, with its principal place of business at 1 Dell Way, Round Rock, Texas 78682.

8. Defendant maintains a registered agent for service of process in Delaware at Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808. Upon information and belief, Defendant sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services that enter

into the stream of commerce and that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

9. This Court has jurisdiction over the subject matter jurisdiction of this case under 28 U.S.C. §§ 1331 (federal question) and 1338(a) (patent law – 35 U.S.C. § 101, *et seq.*).

10. This Court has personal jurisdiction over Defendant, because Defendant has sufficient minimum contacts within the State of Delaware and this District, pursuant to due process and/or the Del. Code. Ann. Tit. 3, § 3104, as Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware by regularly conducting and soliciting business within the State of Delaware and within this District, and because Plaintiffs' causes of action arise directly from Defendant's business contacts and other activities in the State of Delaware and this District. Further, this Court has personal jurisdiction over Defendant, because it is incorporated in the State of Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

11. Venue is proper in this judicial district under 28 U.S.C. § 1400(b) because Defendant has committed acts of infringement in this District as Defendant is incorporated in the State of Delaware.

ACCUSED INSTRUMENTALITIES

12. Defendant makes, uses, sells and offers for sale, provides, and causes to be used, now and within the past six years at least the 5510 Mobile Broadband Wireless Cellular Modem, the Latitude 5000 Series computers, the Latitude 7000 Series computers, the Precision 3520 Workstation laptop, and the Precision 7000 Series computers ("Accused Instrumentalities"), among other such devices.

13. Upon information and belief, and as widely reported, Defendant claims that the 5510 Mobile Broadband Wireless Cellular Modem product is compliant with the 2G and 3G cellular network standards. (*See* product datasheet for the 5510 Mobile Broadband Wireless Cellular Modem, attached hereto as Exhibit 1).

14. Defendant advertises that the Latitude 5000 Series computer products are compliant with the 4G/LTE cellular network standard. (*See* product datasheet for the Latitude 5290 Business Laptop, attached hereto as Exhibit 2).

15. Defendant advertises that the Latitude 7000 Series computer products are capable of being compliant with the 4G/LTE cellular network standard. (*See* product datasheet for the Latitude 7390 2-in-1 computer, attached hereto as Exhibit 3).

16. Defendant advertises that the Precision 3520 Workstation laptop is capable of being compliant with the 4G/LTE cellular network standard. (*See* product datasheet for the Precision 3520 Workstation laptop, attached hereto as Exhibit 4).

17. Defendant advertises that the Precision 7000 Series computer products are capable of being compliant with the 4G/LTE cellular network standard. (*See* product datasheet for the Precision 7730 laptop, attached hereto as Exhibit 5).

BACKGROUND

18. Plaintiffs are the owners by assignment of a portfolio of patents, including the twelve patents described in detail in the counts below (collectively, the “Asserted Patents”), that relate to technology for cellular communications networks, including variations or generations of cellular communication network technology such as, but not limited to 2G, 3G, and 4G/LTE.

19. Cellular communication network technology is used to provide data transmission across mobile cellular networks.

20. U.S. Patent Nos. 6,529,561 (“the ’561 patent”), 7,433,698 (“the ’698 patent”), 8,364,196 (“the ’196 patent”), 7,751,803 (“the ’803 patent”), and 7,894,443 (“the ’443 patent”) were assigned to Nokia Corporation either directly from the inventors or through mergers. In 2011 the ’561, ’698, ’196, ’803, and the ’443 patents were assigned to a trust by Nokia Corporation. On April 10, 2012, Sisvel obtained ownership of the ’561, ’698, ’196, ’803, and the ’443 patents.

21. U.S. Patent Nos. 7,274,933 (“the ’933 patent”), 7,460,868 (“the ’868 patent”), 7,596,375 (“the ’375 patent”), 8,273,374 (“the ’374 patent”), 8,472,955 (“the ’955 patent”), 8,948,756 (“the ’756 patent”), and 8,897,503 (“the ’503 patent”) were assigned to Research in Motion Ltd. from the inventors. Research in Motion Ltd. changed its name to Blackberry, Ltd. in 2013. On November 16, 2018, the ’933, ’868, ’375, ’374, ’955, ’756, and ’503 patents were assigned to Provenance Asset Group LLC from Blackberry, Ltd. On April 5, 2019, Sisvel obtained ownership of the ’933, ’868, ’375, ’374, ’955, ’756, and ’503 patents from Provenance Asset Group LLC. On July 11, 2019, Sisvel assigned the ’933, ’868, ’375, ’374, ’955, ’756, and ’503 patents to 3G Licensing.

22. Sisvel and 3G Licensing are the rightful owners of the Asserted Patents and hold the entire right, title and interest in the Asserted Patents.

23. Sisvel sent a letter to Dell on October 15, 2013 offering to license Sisvel’s patents essential to cellular standards including 2G, 3G, and 4G/LTE. The correspondence identified certain Dell products that made use of cellular standards that infringe Sisvel’s patents and offered licenses to 47 patent families consisting of over 450 patents. This letter identified the ’561 and ’803 patents in an attachment listing available patent licenses.

24. Sisvel sent another notice letter to Dell on June 1, 2015, informing Dell of additional products that infringed Sisvel’s patents essential to the 4G/LTE cellular standard.

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