

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

APERTURE NET LLC,

*Plaintiff,*

v.

SONY MOBILE COMMUNICATIONS  
(USA) INC., SONY MOBILE  
COMMUNICATIONS INC. and SONY  
CORPORATION,

*Defendants.*

)  
)  
)  
) C.A. No. \_\_\_\_\_  
)  
)  
) DEMAND FOR JURY TRIAL  
)  
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)  
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*Figure 1 – Sony’s Xperia X product*

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

1. Aperture Net LLC (“Aperture” or “Plaintiff”), by and through its counsel, hereby brings this action for patent infringement against Sony Mobile Communications (USA) Inc., Sony Mobile Communications, Inc., and Sony Corporation, (collectively, the “Defendants”) alleging infringement of the following validly issued patent (the “Patent-in-Suit”): U.S. Patent No. 6,711,204, titled “Channel Sounding for a Spread-Spectrum Signal” (the ’204 Patent), attached hereto as Exhibit A.

**NATURE OF THE ACTION**

2. This is an action for patent infringement arising under the United States Patent Act 35 U.S.C. §§ 1 et seq., including 35 U.S.C. § 271.

**PARTIES**

3. Plaintiff Aperture Net LLC is a company established in Texas with its principal place of business at 6205 Coit Rd., Ste 300 – 1016, Plano, TX 75024-5474.

4. On information and belief, Defendant Sony Mobile Communications (USA) Inc. is a company incorporated in Delaware and may be served by its registered agent Capitol Services, Inc. 1675 S. State Street, Ste. B, Dover, Delaware, 19901.

5. On information and belief, Defendant Sony Mobile Communications, Inc. is a company established in Japan with a principle place of business at Shinagawa Seaside TS Tower, 4-12-3, Higashi-shinagawa, Shinagawa-ku, Tokyo, 140-0002, Japan.

6. On information and belief, Defendant Sony Corporation is a company established in Japan with a principle place of business at 1-7-1 Konan Minato-ku, Tokyo 108-0075 Japan.

**JURISDICTION AND VENUE**

7. This lawsuit is a civil action for patent infringement arising under the patent laws

of the United States, 35 U.S.C. § 101 et seq. The Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1332, 1338(a), and 1367.

8. The Court has personal jurisdiction over Defendants for the following reasons: (1) Defendants are present within or has minimum contacts within the State of Delaware and the District of Delaware; (2) Defendants have purposefully availed itself of the privileges of conducting business in the State of Delaware and in this district; (3) Defendants have sought protection and benefit from the laws of the State of Delaware; (4) Defendants regularly conduct business within the State of Delaware and within this district, and Plaintiff's cause of action arises directly from Defendants' business contacts and other activities in the State of Delaware and in this district; and (5) Defendants have a regular and established business in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

9. Defendants, directly and/or through intermediaries, ship, distribute, use, offer for sale, sell, and/or advertise products and services in the United States, the State of Delaware, and the District of Delaware including but not limited to the products which contain the infringing '204 Patent systems and methods as detailed below. Upon information and belief, Defendants have committed patent infringement in the State of Delaware and in this district; Defendants solicit and have solicited customers in the State of Delaware and in this district; and Defendants have paying customers who are residents of the State of Delaware and this district and who each use and have used the Defendants' products and services in the State of Delaware and in this district.

10. Venue is proper in the District of Delaware pursuant to 28 U.S.C. §§ 1400(b). Defendants have a regular and established place of business in this district, have transacted business in this district, and have directly and/or indirectly committed acts of patent infringement

in this district.

### PATENT-IN-SUIT

11. The Patent-in-Suit teaches systems and methods for improving a spread-spectrum code-division-multiple-access (“CDMA”) system, using a channel sounding signal from a base station to provide initial transmitter power levels for remote stations.

12. The invention disclosed in the Patent-in-Suit discloses inventive concepts that represent significant improvements in the art and are not mere routine or conventional uses of computer components. For instance, at the time of filing, CDMA systems suffered from poor power control. *See* Ex. A, ’204 Patent, 1:21–2:5. Although various approaches existed to address power control issues, those approaches suffered from inconsistency, inefficiency, and excessive delays. *See* Ex. A, ’204 Patent, 1:21–2:5. The patent-in-suit addressed these concerns by “permit[ing] a remote power station to have knowledge, a priori to transmitting, of a proper power level to initiate transmission.” *See* Ex. A, ’204 Patent, 2:7-10. Further, the patent-in-suit teaches “to measure and initially correct or compensate for Doppler shift in carrier frequency caused by the motion of the remote station.” *See* Ex. A, ’204 Patent, 2:11-13.

### ACCUSED PRODUCTS

13. Defendants make, use, offer for sale and sell in the U.S. products, systems, and/or services that infringe the Patent-in-Suit, including, but not limited to its Xperia X product (the “Accused Products” or “Accused Instrumentality”).

### COUNT I **(Infringement of U.S. Patent No. 6,711,204)**

14. Plaintiff incorporates by reference the allegations of paragraphs 1-13, the same as if set forth herein.

15. The '204 Patent is valid, enforceable, and was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) on March 23, 2004. The '204 Patent is presumed valid and enforceable. *See* 35 U.S.C. § 282.

16. Plaintiff is the owner by assignment of the '204 patent and possesses all rights of recovery under the '204 patent, including the exclusive right enforce the '204 patent and pursue lawsuits against infringers.

17. Without a license or permission from Plaintiff, Defendants have infringed and continues to infringe on one or more claims of the '204 Patent—directly, contributorily, and/or by inducement—by importing, making, using, offering for sale, or selling products and devices that embody the patented invention, including, without limitation, one or more of the patented '204 systems and methods, in violation of 35 U.S.C. § 271.

#### **Direct Infringement**

18. Defendants have been and now is directly infringing by, among other things, practicing all of the steps of the '204 Patent, for example, through internal testing, quality assurance, research and development, and troubleshooting. *See Joy Techs., Inc. v. Flakt, Inc.*, 6 F.3d 770, 775 (Fed. Cir. 1993); *see also* 35 U.S.C. § 271 (2006). For instance, Defendants have directly infringed the Patent-in-Suit by testing, configuring, and troubleshooting the functionality of its location technology.

19. By way of example, Defendants have infringed and continues to infringe at least one or more claims of the '204 Patent, including at least Claim 1. Attached hereto as Exhibit B is an exemplary claim chart detailing representative infringement of claim 1 of the Patent-in-Suit.

#### **Contributory Infringement**

20. On information and belief, Defendants contributorily infringe on Plaintiff's '204

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