IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BUNKER IP LLC, Plaintiff, v. **T-MOBILE USA, INC.,** Defendant.	C.A. No. 21-cv-483 **JURY TRIAL DEMANDED** **PATENT CASE**

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bunker IP LLC files this Original Complaint for Patent Infringement against T-Mobile USA, Inc., and would respectfully show the Court as follows:

I. THE PARTIES

1. Plaintiff Bunker IP LLC ("Bunker IP" or "Plaintiff") is a Texas limited liability company having an address at 7548 Preston Rd, Suite 141 PMB 1055, Frisco, TX 75034.

2. On information and belief, Defendant T-Mobile USA, Inc. ("Defendant") is a corporation organized and existing under the laws of Delaware, with a place of business at 129 N Wabash, Chicago, IL, 60602.

II. JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction of such action under 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction, pursuant to due process and the Illinois Long-Arm Statute, due at least to its business in this forum, including at least a portion of the infringements alleged herein.

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Furthermore, Defendant is subject to this Court's specific and general personal jurisdiction because Defendant has a place of business in Illinois and this District.

5. On information and belief, Defendant has derived revenues from its infringing acts occurring within Illinois. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in Illinois. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction at least due to its sale of products and/or services within Illinois. Defendant has committed such purposeful acts and/or transactions in Illinois such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

6. Venue is proper in this district under 28 U.S.C. § 1400(b). On information and belief, Defendant has a place of business in Illinois and this District. On information and belief, from and within this District Defendant has committed at least a portion of the infringements at issue in this case.

7. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. § 1400(b).

III. COUNT I
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 7,181,237)

8. Plaintiff incorporates the above paragraphs herein by reference.

9. On February 20, 2007, United States Patent No. 7,181,237 ("the '237 Patent") was duly and legally issued by the United States Patent and Trademark Office. The '237 Patent is titled "Control of a Multi-Mode, Multi-Band Mobile Telephone via a Single Hardware and

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Software Man Machine Interface." A true and correct copy of the '237 Patent is attached hereto as Exhibit A and incorporated herein by reference.

10. Bunker IP is the assignee of all right, title and interest in the '237 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the '237 Patent. Accordingly, Bunker IP possesses the exclusive right and standing to prosecute the present action for infringement of the '237 Patent by Defendant.

11. The claims of the '237 patent (the "Claims") relate generally to, *inter alia*, multimode, multi-band mobile telephone systems, including those controlled via a single hardware and software man machine interface ("MMI"). (Ex. A at col. 1:8-11).

12. Different scopes of interface functionality typically induce different behavior, and often require the use of different software in the MMI. (*Id.* at col. 1:26-28). Where such specific software is used for different standards or modes, specific hardware (*e.g.*, specific hard keys, displays, and the like) may be required. (*Id.* at col. 1:28-31). Alternately, there may be redundant MMI software, increasing the need for added general hardware (*e.g.*, memory, processors, and the like) and increasing complexity to the user. (*Id.* at col. 1:31-34). Moreover, such MMIs can occupy a substantial portion of the telephone's memory compared with other of the telephone's software modules. (*Id.* at col. 1:34-39). Thus, in order to provide a multiple mode mobile telephone capable using multiple standards, a substantial portion of the telephone's memory had to be dedicated to storage of software providing multiple MMIs. (*Id.* at col. 1:40-43).

13. The claims of the '237 patent provide novel and inventive systems, hardware, software and architectures comprising the above-noted mode manager comprising a router for routing information first and second protocol stacks supporting first and second modes utilizing

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first and second air interface standards, chipsets providing concurrent support, a user interface for communicating information and commands between protocol stacks and a user, and a bridge for providing communication of information between the first protocol stack and the second protocol stack, wherein control of the mobile telephone is provided via a single MMI that is substantially consistent across the first and second modes, with such systems, hardware, software and architectures comprising systems for controlling multi-mode mobile telephones via a single hardware and software MMI.

14. The claimed systems comprise a novel and inventive mode manager, which comprises a router and routing architecture for routing information to one of the first protocol stack and the second protocol stack. The mode manager is capable of, *inter alia*, providing for multimode (*e.g.*, dual mode) operation, including with capability between modes based on user-selection and/or automatic selection. For example, the user interface of the mobile telephone may provide a menu screen having options that allow a user to select the technology or network mode used by the telephone. (*Id.* at col. 8:63 – col. 9:6; Fig. 5). Users may advantageously select the mode or allow the system to automatically select a mode based on predetermined criteria and/or network status. (*Id.*).

15. The claimed systems further comprise a novel and inventive bridge architecture for providing communication of information between the first protocol stack and the second protocol stack. (*E.g.*, *id.* at col. 6:10-29). Without limitation, the bridge enables routing of information and messages between protocol stacks via serial connection when the protocol stacks are running on different chipsets. (*E.g.*, *id.* at col. 7:21-27).

16. The novel and inventive architecture also facilitates reading and writing of data to respective cores and sending messages with associated structures between various layers (*e.g.*,

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the user interface to application layers). (*Id.* at col. 6:39-56). Further, application layers may convert between different protocol formats. (*Id.* at col. 7:17-56).

17. The claimed systems further comprise a novel and inventive MMI which communicates information and commands between the protocol stacks and a user. (*Id.* at col. 1:63-65). An application layer can reduce the functional interface between the protocol stacks to layers of the protocol stacks subsequent to the user interface, which, *inter alia*, allows control of the mobile telephone to be provided via a single MMI that is substantially consistent across all modes. (*Id.* at col. 1:65 – col. 2:3). Including in this manner, differences in technologies employed by the different air interface standards are made substantially transparent to mobile telephone users. (*Id.* at col. 5:6-9). Further, by providing for functionality of the different air interface standards at other levels of the respective protocol stacks, applications (*e.g.*, organizers, email clients, network browsers, and the like) may be more easily added to, removed from, or modified within the user interface without modification of the different protocol stacks so that the applications may support each air interface standard without special modification. (*Id.* at col. 5:9-17). This greatly reduces the complexity of the MMI, making the mobile telephone easier to use than would be a telephone employing different MMIs for each mode, or a telephone employing an MMI that is modified with redundant software for supporting both air interface standards. (*Id.* at col. 5:17-22).

18. The claimed inventions, including as a whole, are inventive and have multiple unconventional aspects. Conventional systems, which were known at the time of the invention, are represented by the primary references cited during prosecution of the '237 patent, which were U.S. Patent No. 6,785,556 to Souissi, U.S. Patent No. 6,934,558 to Sainton, and U.S. Patent No. 6,035,212 to Rostocker.

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