

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

SMARTSKY NETWORKS, LLC, a)
Delaware limited liability company)
)
Plaintiff,)
)
v.)
)
WIRELESS SYSTEMS SOLUTIONS,)
LLC, a Delaware limited liability)
company; DAG WIRELESS LTD, an)
Israeli company; DAG WIRELESS USA,)
LLC, a North Carolina limited liability)
company; LASLO GROSS, a North)
Carolina resident; SUSAN GROSS, a)
North Carolina resident; DAVID D.)
GROSS, a resident of Israel,)
)
Defendants.)

CIVIL ACTION NO.

1:20-cv-00834

JURY TRIAL REQUESTED

VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES

Plaintiff SmartSky Networks, LLC (“SmartSky” or “SSN”) files this action against Defendants Wireless Systems Solutions, LLC (“WSS”), DAG Wireless, Ltd. (“DAG Israel”), DAG Wireless USA, LLC (“DAG USA”) (DAG Israel and DAG USA, collectively, “DAG”), Laslo Gross, Susan Gross, and David D. Gross (collectively, the “Gross Defendants”), (collectively, the “Defendants”) seeking injunctive relief and damages for misappropriation of trade secrets, breaches of contracts, and violation of the North Carolina Unfair and Deceptive Trade Practices Act.

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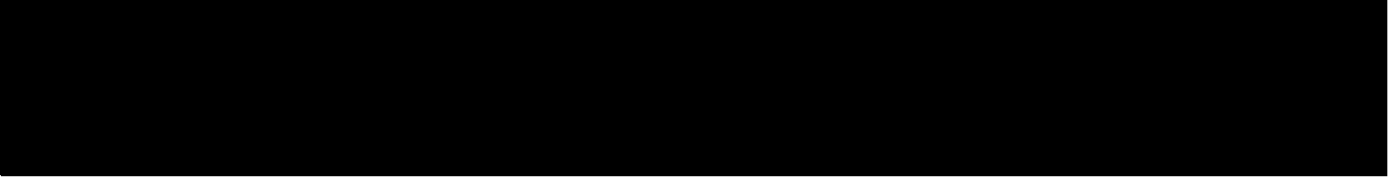
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1. [REDACTED]
2. PO002129
3. April 4, 2019 Terms & Conditions
4. Reciprocal Confidentiality and Non-Disclosure Agreements dated December 1, 2017
5. Amended Reciprocal Confidentiality and Non-Disclosure Agreements dated January 27, 2018
6. Mutual Non-Disclosure Agreement dated January 27, 2018
7. Multi-Party Non-Disclosure Agreement dated February 22, 2018
8. WSS Roster
9. Recommendation Letter for Ofek Toledano
10. Email dated December 13, 2018

11. Reciprocal Confidentiality and Non-Disclosure Agreement” dated January 15, 2019
12. <https://www.computerweekly.com/news/252487478/DAG-Wireless-unveils-4G-5G-infrastructure-for-in-flight-connectivity> (last visited Sept. 8, 2020)
13. Termination Letter dated September 4, 2020

INTRODUCTION

1. Since 2018, SmartSky has paid WSS over \$30 million to develop, build, test, and produce components to complete SmartSky's proprietary, end-to-end, air-to-ground ("ATG") wireless communication network for in-flight travelers, airlines, flight crews, and other data users. WSS took the money, but has failed to perform. WSS members Laslo Gross and Susan Gross, and WSS executive David Gross, instead funneled SmartSky intellectual property, equipment, and materials to a family-owned alter ego, DAG, to build a competing product that they intend to market and sell as their own. As of the date of this filing, *DAG* has publicly claimed that it developed the very ATG network components that SmartSky paid WSS tens of millions of dollars to develop and build, and is actively marketing and offering to sell products based on this claim. In a futile attempt to avoid plain and obvious legal liability, DAG claims that it developed its technology independent of and with no reliance on the millions of dollars of SmartSky intellectual property, equipment, and materials that DAG obtained directly from WSS. DAG's claim is disingenuous, implausible, and false. In the final analysis, the business relationship between SmartSky and WSS resulted in: (1) WSS receiving over \$30 million and access to SmartSky intellectual property, (2) DAG using those resources to build itself products while WSS strung SmartSky along with frequent delays, and (3) SmartSky left holding the bag.





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