

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TC TECHNOLOGY LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. <u>6:20-cv-899</u>
)	
T-MOBILE USA, INC.,)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff TC Technology LLC (“TC Technology”), by and through its attorneys, and for its Complaint against Defendant T-Mobile USA, Inc. (“T-Mobile”) alleges as follows:

NATURE OF THE ACTION

1. TC Technology brings this action against T-Mobile for infringement of U.S. Patent No. 5,815,488.

THE PARTIES

2. TC Technology is a limited liability company organized and existing under the laws of the State of Delaware with a principal place of business located at 12405 Powerscourt Drive, St. Louis, Missouri 63131.

3. T-Mobile is a corporation organized and existing under the laws of the State of Delaware with a principal place of business located at 12920 SE 38th Street, Bellevue, Washington 98006. T-Mobile may be served through its registered agent Corporation Service Company, with

a business address of 211 E. 7th Street, Suite 620, Austin, Texas 78701. On information and belief, T-Mobile is registered to do business in the State of Texas and has been since at least November 22, 1999.

THE LTE STANDARD

4. Long Term Evolution (“LTE”) is a standard for wireless broadband communication for mobile devices and data terminals developed by the 3rd Generation Partnership Project (“3GPP”). Any LTE digital cellular standards as defined by the 3GPP (including the frequency division duplex (FDD) and time division duplex (TDD) variants) and all evolutions and subsequent versions of those standards are referred to in this Complaint as the “LTE Standard.”

5. 3GPP is a standard setting organization that creates technical specifications, which companies can adopt to ensure that their products are compatible with others’ products in the telecommunications industry.

6. LTE is an evolution of the Universal Mobile Telecommunications Service (UMTS), which is a third-generation (3G) mobile cellular standard also set by the 3GPP. Compared to 3G, LTE delivers mobile communications network at a higher capacity and higher speed.

7. LTE was first released in December 2008 as part of 3GPP Release 8, and has continued to evolve to provide more features and improvements. For instance, in March 2011, LTE-Advanced was introduced in Release 10, allowing 1 Gbps download and 500 Mbps uplink throughput; and in March 2016, LTE-Advanced Pro was introduced in Release 13, providing further performance improvements with enhancements to technologies such as carrier aggregation and MIMO (Multiple Input Multiple Output).

U.S. PATENT NO. 5,815,488

8. TC Technology owns by assignment the right, title and interest in United States Patent No. 5,815,488 (“the ’488 patent”), titled “Multiple User Access Method Using OFDM,” which issued on September 29, 1998, naming Thomas H. Williams and Richard S. Prodan as co-inventors. A true and correct copy of the ’488 patent is attached to this Complaint as Exhibit 1.

9. The ’488 patent relates to fundamental innovation in LTE communication that permits multiple users of mobile devices to simultaneously access an RF channel with a high degree of immunity to channel impairments.

ACCUSED SERVICES

10. Upon information and belief, T-Mobile used, sold, and offered to sell communication services with LTE capabilities (the “Accused Services”), including but not limited to cellular data services, cellular voice services, and texting services compliant with the LTE Standard, in the Western District of Texas and throughout the United States.

11. T-Mobile owns and operates an LTE network in the Western District of Texas and elsewhere in the United States. T-Mobile advertised its LTE network’s breadth of coverage on its website, including its 4G LTE coverage in seventeen different cities in the State of Texas, including those in the Western District of Texas.¹ T-Mobile also advertised itself as having “the fastest nationwide 4G LTE speeds.”²

¹ See, e.g., <https://web.archive.org/web/20140717165808/http://t-mobile-coverage.t-mobile.com/4gcitylist.aspx>. An archived copy of this website is attached to this Complaint as Exhibit 2.

² See, e.g., <https://web.archive.org/web/20141216110541/http://explore.t-mobile.com/4g-lte-network#datastrong>. An archived copy of this website is attached to this Complaint as Exhibit 3.

Coverage where you live

Our network reaches over 230 million people, with a more densely packed network where more people need our network the most. And, we're reaching out with the fastest nationwide 4G LTE speeds so you can get the wireless experience you deserve. See how the network designed for data performs in your neighborhood.

[CHECK YOUR COVERAGE](#)

Fastest LTE Network: Based on download speeds.

12. T-Mobile provided services for use on its LTE network. T-Mobile offered to sell and sold a variety of voice, text, and data products and services for use with the T-Mobile LTE network. For example, T-Mobile offered to sell and sold an array of plans all offering one gigabyte or more of 4G LTE data on T-Mobile's 4G LTE network.³

Add more 4G LTE data to keep up with you.

Your plan already comes with up to 1 GB of 4G LTE data while on our network. If your lifestyle demands more, **choose the amount you need:**

<p>1 GB 4G LTE DATA</p> <p>\$50 /MO. INCLUDES: UNLIMITED TALK, TEXT & DATA</p> <p>More Details ></p>	<p>3 GB 4G LTE DATA</p> <p>\$60 /MO. INCLUDES: UNLIMITED TALK, TEXT & DATA</p> <p>More Details ></p>	<p>5 GB 4G LTE DATA</p> <p>\$70 /MO. INCLUDES: UNLIMITED TALK, TEXT & DATA</p> <p>More Details ></p>	<p>UNLIMITED 4G LTE DATA</p> <p>+ Rhapsody unRadio subscription included</p> <p>\$80 /MO. INCLUDES: UNLIMITED TALK, TEXT & DATA</p> <p>More Details ></p>
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³ See, e.g., <https://web.archive.org/web/20141202030322/http://www.t-mobile.com/cell-phone-plans/individual.html>.

13. T-Mobile made its voice, data, and text services available to its customers, who used the services at the direction or control of T-Mobile. T-Mobile conducted business operations within the Western District of Texas in several stores and facilities throughout the District.⁴

14. On information and belief, T-Mobile employees and contractors test T-Mobile's voice, data, and text services.

15. Customers were required to agree to T-Mobile's Terms and Conditions before accessing T-Mobile's LTE network. T-Mobile provided a copy of its Terms and Conditions on its website.⁵

Your agreement with "T-Mobile" (defined as T-Mobile USA, Inc., and its controlled subsidiaries, assignees, and agents) includes these Terms and Conditions ("T&Cs"), your Service Agreement, applicable supplemental terms and conditions, and your Rate Plan terms, which are available at www.T-Mobile.com (collectively "Agreement"). Your Rate Plan includes your Service allotments for minutes, messages or data ("Allotments"), rates, coverage and other terms ("Rate Plan"). To the extent any term in your Rate Plan expressly conflicts with these T&Cs, the term in your Rate Plan will govern. **Your Agreement applies to each line of Service, although different T&Cs may apply to different lines of Service on your account.**

16. The use of these services that T-Mobile provided to its customers and employees on T-Mobile's LTE network resulted in infringement of the '488 patent.

JURISDICTION AND VENUE

17. TC Technology realleges, adopts, and incorporates by reference the allegations contained in paragraphs 1-16 above as if fully set forth in this paragraph.

⁴ See, e.g., <https://www.yelp.com/biz/t-mobile-austin-13>; <https://www.yelp.com/biz/t-mobile-austin-7>; <https://www.yelp.com/biz/t-mobile-waco-2>. Copies of these websites are attached to this Complaint as Exhibits 4, 5, and 6.

⁵ <https://www.t-mobile.com/responsibility/legal/terms-and-conditions-nov-2014>

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