

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BROADQAST SOLUTIONS, LLC,

Plaintiff,

v.

DELL INC.,

Defendant.

Case No. 2:15-cv-1117

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Broadqast Solutions, LLC, files this Complaint against Defendant Dell Inc., for infringement of United States Patent Nos. 8,290,035 (the “‘035 Patent”) and 8,649,429 (the “‘429 Patent”).

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff Broadqast Solutions, LLC (“Plaintiff” or “Broadqast”), is a Texas limited liability company with its principal office located in the Eastern District of Texas, at 211 E. Tyler Street, Suite 600-A, Longview, Texas 75601.

4. Upon information and belief, Defendant Dell Inc. (“Defendant”), is a Delaware corporation with a principal office located at 1 Dell Way, Round Rock, Texas 78682. This Court has personal jurisdiction over Defendant because Defendant has committed, and continues to

commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

5. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and/or continue to be sold, offered for sale, and/or used in the Eastern District of Texas.

VENUE

6. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendant is deemed to reside in this district. In addition, and in the alternative, Defendant has committed acts of infringement in this district.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 8,290,035)

7. Plaintiff incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

9. Plaintiff is the owner by assignment of the '035 Patent with sole rights to enforce the '035 Patent and sue infringers.

10. A copy of the '035 Patent, titled "Systems for Reducing Adverse Effects of Deep Fades in DTV Signals Designed for Mobile Reception," is attached hereto as Exhibit A.

11. The '035 Patent is valid and enforceable, and it was duly issued in full compliance with Title 35 of the United States Code.

(Direct Infringement)

12. Upon information and belief, Defendant has infringed and continues to directly infringe one or more claims of the '035 Patent, including at least claim 17, by making, having made, selling, offering for sale, using and/or importing receiver devices to receive a digital

television signal, utilizing the technology of the '035 Patent, in numerous products, including without limitation, the Inspiron Mini 10 netbook with built-in digital TV tuner (the "Accused Instrumentalities").

13. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

14. Plaintiff is in compliance with 35 U.S.C. § 287.

COUNT II
(INFRINGEMENT OF UNITED STATES PATENT NO. 8,649,429)

15. Plaintiff incorporates paragraphs 1 through 6 herein by reference.

16. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

17. Plaintiff is the owner by assignment of the '429 Patent with sole rights to enforce the '429 Patent and sue infringers.

18. A copy of the '429 Patent, titled "Systems for Reducing Adverse Effects of Deep Fades in DTV Signals Designed for Mobile Reception," is attached hereto as Exhibit B.

19. The '429 Patent is valid and enforceable, and it was duly issued in full compliance with Title 35 of the United States Code.

(Direct Infringement)

20. Upon information and belief, Defendant has infringed and continues to directly infringe one or more claims of the '429 Patent, including at least claim 7, by making, having made, selling, offering for sale, using and/or importing the Accused Instrumentalities as defined above.

21. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

22. Plaintiff is in compliance with 35 U.S.C. § 287.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of all issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court to:

- a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;
- b) Enjoin Defendant, its agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 8,290,035 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- c) Enjoin Defendant, its agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 8,649,429 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);
- d) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;
- e) Declare this an "exceptional case" pursuant to 35 U.S.C. § 285 and award Plaintiff its attorney's fees and any other appropriate relief;
- f) Award Plaintiff pre-judgment and post-judgment interest and costs; and

- g) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: June 23, 2015

Respectfully submitted,

/s/ Craig Tadlock
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