

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Solocron Media, LLC

Plaintiff,

v.

**Verizon Communications Inc., Cellco
Partnership d.b.a. Verizon Wireless,
AT&T Inc.,
AT&T Mobility LLC,
Sprint Corporation,
Sprint Communications Company L.P.,
Sprint Solutions Inc., and
T-Mobile USA, Inc.**

Defendants.

Case No.: 2:13-cv-1059

**AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

SOLOCRON'S FIRST AMENDED COMPLAINT

Pursuant to Fed. R. Civ. Pro. 15(a)(1), Solocron Media, LLC ("Solocron" or "plaintiff") hereby alleges for its First Amended Complaint for patent infringement against defendants Verizon Communications Inc. and Cellco Partnership d.b.a. Verizon Wireless (collectively, "Verizon"); AT&T Inc. and AT&T Mobility LLC (collectively, "AT&T"); Sprint Corporation (formerly known as Sprint Nextel Corporation), Sprint Communications Company L.P., and Sprint Solutions Inc. (collectively, "Sprint"); and T-Mobile USA, Inc. ("T-Mobile") on personal knowledge as to its own actions and on information and belief as to the actions of others, as follows:

THE NATURE OF THE ACTION

1. This is a patent infringement action to end Verizon's AT&T's, Sprint's, and T-Mobile's (collectively, "Defendants") unauthorized and infringing manufacture, use, sale, offering for sale, and/or importation of products and methods incorporating Plaintiff Solocron's patented inventions.

2. Plaintiff Solocron holds all substantial rights and interest in the Patents-in-Suit described below, including the exclusive right to sue Defendants for infringement and recover damages.

3. Defendants make, use, sell, offer for sale, and import infringing products and provide infringing services in violation of the Patents-in-Suit. Plaintiff Solocron seeks injunctive relief to prevent Defendants from continuing to infringe Solocron's patent rights. Plaintiff Solocron further seeks monetary damages and prejudgment interest for defendants' past infringement of the Patents-in-Suit.

4. This is an exceptional case, and Solocron requests damages, enhanced damages, attorneys' fees, costs, and expenses.

THE PARTIES

5. Plaintiff Solocron is a Texas corporation with its principal place of business at 625 Chase Drive, Suite 200, Tyler, Texas 75701.

6. On information and belief, defendant Verizon Communications Inc. is a corporation existing and organized under the laws of Delaware and has its principal place of business at 140 West Street, 29th Floor, New York, NY 10007. Verizon Communications Inc. is doing business in the Eastern District of Texas, and can be served through its registered agent for

service, The Corporation Trust Company, Corporation Trust Center 1209 Orange St., Wilmington, Delaware 19801.

7. On information and belief, defendant Cellco Partnerships d.b.a. Verizon Wireless is a general partnership existing and organized under the laws of Delaware, is doing business as Verizon Wireless, and has its principal place of business at One Verizon Way, Basking Ridge, New Jersey 07920. Cellco Partnerships d.b.a. Verizon Wireless is doing business in the Eastern District of Texas and can be served through its registered agent for service, the Corporation Trust Company, located at Corporation Trust Center 1209 Orange St., Wilmington, New Castle, DE 19801.

8. On information and belief, defendant AT&T Inc. is a corporation existing and organized under the laws of Delaware and has its principal place of business in Texas at 208 S. Akard St., Dallas, TX 75202. AT&T Inc. is registered to do business in Texas, is doing business in the Eastern District of Texas, and can be served through its registered agent for service, C T Corporation System, located at 350 North St. Paul St., Ste. 2900, Dallas, Texas 75201.

9. On information and belief, defendant AT&T Mobility LLC is a corporation existing and organized under the laws of Delaware and has its principal place of business at 5565 Glenridge Connector, Atlanta, GA 30349. AT&T Mobility LLC is registered to do business in Texas, is doing business in the Eastern District of Texas, and can be served through its registered agent for service, C T Corporation System, located at 350 North St. Paul St., Ste. 2900, Dallas, Texas 75201.

10. On information and belief, defendant Sprint Corporation was formerly known as Sprint Nextel Corporation, is a corporation existing and organized under the laws of Delaware, and has its principal place of business at 6200 Sprint Parkway, Overland Park, KS 66251. Sprint

Corporation is doing business in the Eastern District of Texas, and can be served through its registered agent for service, the Corporation Service Company, located at 2711 Centerville Rd., Ste. 400 Wilmington, New Castle, DE 19808.

11. On information and belief, defendant Sprint Communications Company L.P. is a limited partnership existing and organized under the laws of Delaware and has its principal place of business at 8140 Ward Parkway, Kansas City, MO 64114. Sprint Communications Company L.P. is registered to do business in Texas, is doing business in the Eastern District of Texas, and can be served through its registered agent for service, The Prentice-Hall Corporation System, located at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

12. On information and belief, defendant Sprint Solutions Inc. is a corporation existing and organized under the laws of Delaware and has its principal place of business at 701 Brazos St., Ste. 1050, Austin, Texas 78701. Sprint Solutions Inc. is registered to do business in Texas, is doing business in the Eastern District of Texas, and can be served through its registered agent for service, the Corporation Service Company, located at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

13. On information and belief, defendant T-Mobile USA, Inc. is a corporation existing and organized under the laws of Delaware and has its principal place of business at 12920 SE 38th Street, Bellevue, WA 98006. T-Mobile USA, Inc. is registered to do business in Texas, is doing business in the Eastern District of Texas, and can be served through its registered agent for service, the Corporation Service Company, located at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

JURISDICTION AND VENUE

14. This action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

15. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

16. Founded in 2011, Plaintiff Solocron is registered to do business in Texas and is doing business in the Eastern District of Texas. Solocron's flagship product, Loopdoodle, which is one embodiment of the inventions in the Patents-in-Suit, was substantially developed in Tyler, Texas, and is currently offered for sale in Tyler, Texas. Solocron continues to conduct research and development activities in Tyler, Texas. Solocron stores documents, including documents pertaining to this litigation, the Patents-in-Suit, corporate formation, email servers, and Loopdoodle in Tyler, Texas. Solocron currently employs five (5) employees in its Tyler, Texas office, including its general manager, Joshua Ebright, who is a full-time Tyler resident.

17. This Court has general and specific personal jurisdiction over defendant Verizon Communications Inc. Verizon Communications Inc. has substantial contacts with the forum as a consequence of conducting substantial business in the State of Texas and within this district. Verizon Communications Inc. is the parent corporation of Cellco Partnerships d.b.a. Verizon Wireless, a wholly-owned subsidiary, which is also doing business in Texas. On information and belief, Verizon Communications Inc., individually or through joint and concerted action through its operating subsidiaries: maintains retail store locations within Texas and this district; transacts business in Texas and/or in this district, including through the retail locations maintained within Texas and this district; offers for sale, sells, and advertises its products and services utilizing the claimed systems and methods with and for customers residing in Texas,

including within this district; and provides products and services, including mobile device products and services, directly to consumers in Texas, including within this district. As detailed below, Verizon Communications Inc. has committed and continues to commit acts of patent infringement in Texas and this district.

18. This Court has general and specific personal jurisdiction over defendant Cellco Partnerships d.b.a. Verizon Wireless. Cellco Partnerships d.b.a. Verizon Wireless has substantial contacts with the forum as a consequence of conducting substantial business in the State of Texas and within this district. Cellco Partnerships d.b.a. Verizon Wireless is a wholly-owned subsidiary of Verizon Communications Inc. On information and belief, Cellco Partnerships d.b.a. Verizon Wireless, individually or through joint and concerted action with its parent corporation, Verizon Communications Inc.: maintains retail store locations within Texas and this district; transacts business in Texas and/or in this district, including through the retail store locations maintained within Texas and this district; offers for sale, sells, and advertises its products and services utilizing the claimed systems and methods with and for customers residing in Texas, including within this district; and provides products and services, including mobile device products and services, directly to consumers in Texas, including within this district. As further detailed below, Cellco Partnerships d.b.a. Verizon Wireless has committed and continues to commit acts of patent infringement in Texas and this district.

19. This Court has general and specific personal jurisdiction over defendant AT&T Inc. AT&T Inc. is registered to do business in Texas, and has identified CT Corporation System, 350 N. St. Paul St., Ste. 2900, Dallas, Texas 75201-4234 as its registered agent. AT&T Inc. has substantial contacts with the forum as a consequence of conducting substantial business in the State of Texas and within this district. AT&T Inc. is the parent corporation of AT&T Mobility

LLC, a wholly-owned subsidiary, which is also registered to do business in Texas. On information and belief, AT&T Inc., individually or through joint and concerted action through its operating subsidiaries: maintains retail store locations within Texas and this district; transacts business in Texas and/or in this district, including through the retail locations maintained within Texas and this district; offers for sale, sells, and advertises its products and services utilizing the claimed systems and methods with and for customers residing in Texas, including within this district; and provides products and services, including mobile device products and services, directly to consumers in Texas, including within this district. As detailed below, AT&T Inc. has committed and continues to commit acts of patent infringement in Texas and this district.

20. This Court has general and specific personal jurisdiction over AT&T Mobility LLC. AT&T Mobility LLC is registered to do business in Texas, and has identified CT Corporation System, 350 N. St. Paul St., Ste. 2900, Dallas, Texas 75201-4234 as its registered agent. AT&T Mobility LLC has substantial contacts with the forum as a consequence of conducting substantial business in the State of Texas and within this district. AT&T Mobility LLC is a wholly-owned subsidiary of AT&T Inc. On information and belief, AT&T Mobility LLC, individually or through joint and concerted action with its parent corporation, AT&T Inc.: maintains retail store locations within Texas and this district; transacts business in Texas and/or in this district, including through the retail store locations maintained within Texas and this district; offers for sale, sells, and advertises its products and services utilizing the claimed systems and methods with and for customers residing in Texas, including within this district; and provides products and services, including mobile device products and services, directly to consumers in Texas, including within this district. As further detailed below, AT&T Mobility

LLC has committed and continues to commit acts of patent infringement in Texas and this district.

21. This Court has general and specific personal jurisdiction over defendant Sprint Corporation, formerly known as Sprint Nextel Corporation. Sprint Corporation has substantial contacts with the forum as a consequence of conducting substantial business in the State of Texas and within this district. Sprint Corporation is the parent corporation of Defendants Sprint Communications Company L.P. and Sprint Solutions Inc., subsidiaries doing and registered to do business in Texas. On information and belief, Sprint Corporation, individually or through joint and concerted action through its operating subsidiaries: maintains retail store locations within Texas and this district; transacts business in Texas and/or in this district, including through the retail locations maintained within Texas and this district; offers for sale, sells, and advertises its products and services utilizing the claimed systems and methods with and for customers residing in Texas, including within this district; and provides products and services, including mobile device products and services, directly to consumers in Texas, including within this district. As detailed below, Sprint Corporation has committed and continues to commit acts of patent infringement in Texas and this district.

22. This Court has general and specific personal jurisdiction over Sprint Communications Company L.P. Sprint Communications Company L.P. is registered to do business in Texas, and has identified The Prentice-Hall Corporation System, located at 211 E. 7th Street, Suite 620, Austin, Texas 78701 as its registered agent. Sprint Communications Company L.P. has substantial contacts with the forum as a consequence of conducting substantial business in the State of Texas and within this district. Sprint Communications Company L.P. is a wholly-owned subsidiary of Sprint Corporation. On information and belief, Sprint Communications

Company L.P., individually or through joint and concerted action with its parent corporation, Sprint Corporation: maintains retail store locations within Texas and this district; transacts business in Texas and/or in this district, including through the retail store locations maintained within Texas and this district; offers for sale, sells, and advertises its products and services utilizing the claimed systems and methods with and for customers residing in Texas, including within this district; and provides products and services, including mobile device products and services, directly to consumers in Texas, including within this district. As further detailed below, Sprint Communications Company L.P. has committed and continues to commit acts of patent infringement in Texas and this district.

23. This Court has general and specific personal jurisdiction over Sprint Solutions Inc. Sprint Solutions Inc. is registered to do business in Texas, and has identified the Corporation Service Company, located at 211 E. 7th Street, Suite 620, Austin, Texas 78701 as its registered agent. Sprint Solutions Inc. has substantial contacts with the forum as a consequence of conducting substantial business in the State of Texas and within this district. Sprint Solutions Inc. is a wholly-owned subsidiary of Sprint Corporation. On information and belief, Sprint Solutions Inc., individually or through joint and concerted action with its parent corporation, Sprint Corporation: maintains retail store locations within Texas and this district; transacts business in Texas and/or in this district, including through the retail store locations maintained within Texas and this district; offers for sale, sells, and advertises its products and services utilizing the claimed systems and methods with and for customers residing in Texas, including within this district; and provides products and services, including mobile device products and services, directly to consumers in Texas, including within this district. As further detailed below,

Sprint Solutions Inc. has committed and continues to commit acts of patent infringement in Texas and this district.

24. This Court has general and specific personal jurisdiction over defendant T-Mobile USA, Inc. T-Mobile USA, Inc. is registered to do business in Texas, and has identified the Corporation Service Company, located at 211 E. 7th Street, Suite 620, Austin, Texas 78701 as its registered agent. T-Mobile USA, Inc. has substantial contacts with the forum as a consequence of conducting substantial business in the State of Texas and within this district. On information and belief, T-Mobile USA, Inc., individually or through joint and concerted action through its operating subsidiaries: maintains retail store locations within Texas and this district; transacts business in Texas and/or in this district, including through the retail locations maintained within Texas and this district; offers for sale, sells, and advertises its products and services utilizing the claimed systems and methods with and for customers residing in Texas, including within this district; and provides products and services, including mobile device products and services, directly to consumers in Texas, including within this district. As detailed below, T-Mobile USA, Inc. has committed and continues to commit acts of patent infringement in Texas and this district.

25. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c), and 1400(b) because a substantial part of the events giving rise to the claims against Defendants occurred and are occurring in this district, and/or because Defendants have regular and established practices of business in this district and have committed and are committing acts of infringement in this district.

JOINDER

26. Joinder is proper under 35 U.S.C. § 299 because questions of fact common to all Defendants will arise in the action. As detailed below, Solocron alleges patent infringement by

Defendants in connection with (among other things) their making, using, selling, and/or offering to sell systems, and their practice of methods, for delivery of Mobile Messaging Service (“MMS”) messages to their mobile phone subscribers. The exchange of information between an MMS client device (such as a mobile phone) and one or more Mobile Messaging Service Centers (“MMSCs”) for the purpose of determining whether, based on the capabilities of the client device, to modify the content of an MMS message so that it is appropriate to the capabilities of the client device, is defined in large part by common standards. These standards include, *e.g.*, MMS 1.2 Conformance Document OMA-MMS-CONF-v1_2-20050301-A, and MMS 1.3 Conformance Document OMA-TS-MMS-CONF-V1_3-20110913-A. The operation of Defendants’ hardware and software in accordance with these standards constitutes important evidence of infringement of Solocron’s Patents, and presents significant questions of fact common to all Defendants.

27. Joinder is further proper because some of Defendants’ infringement arises out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering for sale, or selling of the same accused product or process, for example in the case in which a customer of one Defendant transmits an MMS message to the customer of another Defendant, such that the messaging systems of one Defendant receives such a message from the messaging systems of another Defendant.

THE ASSERTED PATENTS

28. On December 17, 2002, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,496,692 B1 (“the ’692 Patent”), entitled “Methods and Apparatuses for Programming User-Defined Information Into Electronic Devices,” to Michael E. Shanahan. A copy of the ’692 Patent is attached to the Complaint as Exhibit A.

29. The '692 Patent is directed to methods for programming customized information such as user-selected audio, video, or Internet information into a programmable device including devices such as wireless telephones and personal digital assistants.

30. On August 14, 2007, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,257,395 B2 ("the '395 Patent"), entitled "Methods and Apparatuses for Programming User-Defined Information Into Electronic Devices," to Michael E. Shanahan. A copy of the '395 Patent is attached to the Complaint as Exhibit B.

31. The '395 Patent is directed to systems for programming customized information such as user-selected audio, video, or Internet information into a programmable device including devices such as wireless telephones and personal digital assistants.

32. On November 13, 2007, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,295,864 B2 ("the '864 Patent"), entitled "Methods and Apparatuses for Programming User-Defined Information Into Electronic Devices," to Michael E. Shanahan. A copy of the '864 Patent is attached to the Complaint as Exhibit C.

33. The '864 Patent is directed to systems and methods for programming customized information such as user-selected audio, video, or Internet information into a programmable device including devices such as wireless telephones and personal digital assistants.

34. On January 15, 2008, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,319,866 B2 ("the '866 Patent"), entitled "Methods and Apparatuses for Programming User-Defined Information Into Electronic Devices," to Michael E. Shanahan. A copy of the '866 Patent is attached to the Complaint as Exhibit D.

35. The '866 Patent is directed to systems for programming customized information such as user-selected audio, video, or Internet information into a programmable device including devices such as wireless telephones and personal digital assistants.

36. On June 22, 2010, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,742,759 B2 ("the '759 Patent"), entitled "Methods and Apparatuses for Programming User-Defined Information Into Electronic Devices," to Michael E. Shanahan. A copy of the '759 Patent is attached to the Complaint as Exhibit E.

37. The '759 Patent is directed to systems and methods for programming customized information such as user-selected audio, video, or Internet information into a programmable device including devices such as wireless telephones and personal digital assistants.

38. On August 21, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,249,572 B2 ("the '572 Patent"), entitled "Methods and Apparatuses for Programming User-Defined Information Into Electronic Devices," to Michael E. Shanahan. A copy of the '572 Patent is attached to the Complaint as Exhibit F.

39. The '572 Patent is directed to methods for programming customized information such as user-selected audio, video, or Internet information into a programmable device including devices such as wireless telephones and personal digital assistants.

40. On November 26, 2013, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,594,651 B2 ("the '651 Patent"), entitled "Methods and Apparatuses for Programming User-Defined Information Into Electronic Devices," to Michael E. Shanahan. A copy of the '651 Patent is attached to the Complaint as Exhibit G.

41. The '651 Patent is directed to systems and methods for programming customized information such as user-selected audio, video, or Internet information into a programmable device including devices such as wireless telephones and personal digital assistants.

42. Solocron is the owner by assignment of all rights, title, and interest to and in the '692, '395, '864, '866, '759, '572, and '651 Patents (collectively, the "Asserted Patents").

43. Verizon Communications Inc. and Cellco Partnerships d.b.a. Verizon Wireless were served with Solocron's original Complaint, attached as Exhibit H, on December 9, 2013 (for Cellco Partnerships d.b.a. Verizon Wireless) and December 12, 2013 (for Verizon Communications Inc.). Copies of the executed summons and proofs of service for Verizon Communications Inc. and Cellco Partnerships d.b.a. Verizon Wireless are attached as Exhibits I and J, respectively.

44. At least by no later than the date of service of Solocron's original Complaint, Verizon had actual notice of each of the Asserted Patents and actual notice that its individual actions and/or the joint or concerted actions of Verizon Communications Inc. and Cellco Partnerships d.b.a. Verizon Wireless constituted and continue to constitute infringement of at least one claim of each of the Asserted Patents.

45. AT&T Inc. and AT&T Mobility LLC were served with Solocron's original Complaint, Exhibit H, on December 9, 2013. Copies of the executed summons and proofs of service for AT&T Inc. and AT&T Mobility LLC are attached as Exhibits K and L, respectively.

46. At least by no later than the date of service of Solocron's original Complaint, AT&T had actual notice of each of the Asserted Patents and actual notice that its individual actions and/or the joint or concerted actions of AT&T Inc. and AT&T Mobility LLC constituted and continue to constitute infringement of at least one claim of each of the Asserted Patents.

47. Sprint Corporation (formerly known as Sprint Nextel Corporation), Sprint Communications Company L.P., and Sprint Solutions Inc. were served with Solocron's original Complaint, Exhibit H, on December 9, 2013. Copies of the executed summons and proofs of service for Sprint Corporation (formerly known as Sprint Nextel Corporation), Sprint Communications Company L.P., and Sprint Solutions Inc. are attached as Exhibits M, N, and O, respectively.

48. At least by no later than the date of service of Solocron's original Complaint, Sprint had actual notice of each of the Asserted Patents and actual notice that its individual actions and/or the joint or concerted actions of Sprint Nextel Corporation, Sprint Corporation, Sprint Communications Company L.P., and Sprint Solutions Inc. constituted and continue to constitute infringement of at least one claim of each of the Asserted Patents.

49. T-Mobile USA, Inc. was served with Solocron's original Complaint, Exhibit H, on December 9, 2013. Copies of the executed summons and proofs of service for T-Mobile USA, Inc. is attached as Exhibit P.

50. At least by no later than the date of service of Solocron's original Complaint, T-Mobile had actual notice of each of the Asserted Patents and actual notice that its individual actions and/or the joint or concerted actions of T-Mobile USA, Inc. and its operating subsidiaries constituted and continue to constitute infringement of at least one claim of each of the Asserted Patents.

BACKGROUND ON THE ACCUSED TECHNOLOGIES: RINGTONES

51. Defendants provide to their customers, including customers in this district, ringtone products and services including ringtone stores. Defendants' ringtone stores provide the ability for Defendants' customers to connect over a network, such as from a personal computer

or mobile phone over the Internet and/or a cellular network, to an interactive store displaying a variety of audio files that Defendants' customers can browse through and purchase from. These audio files can be received by Defendants' customers, and programmed into their mobile phones, for use as audio notifications of incoming telephone calls.

52. For example, Verizon provides ringtone stores including but not limited to the Verizon Media Store.

53. For example, AT&T provides ringtone stores including but not limited to the AppCenter and "Shop Music" ringtone stores.

54. For example, Sprint provides ringtone stores including but not limited to the "Sprint Music Plus" store.

55. For example, T-Mobile provides ringtone stores including but not limited to the "Megatones," "HiFi Ringtones," and "Callertunes" stores.

BACKGROUND ON THE ACCUSED TECHNOLOGIES:

MOBILE MESSAGING SERVICE ("MMS")

56. Defendants also provide to their customers, including customers in this district, Mobile Messaging Service (or "MMS") services. Defendants' MMS services allow Defendants' customers to, for example, send text, picture, video, and/or audio messages from the customer's mobile device to another mobile device provided by the same or a different Defendant. Defendants' MMS services also include, for example, the ability to modify the content of an MMS message so that it is appropriate to the capabilities of, for example, a customer's MMS client device (such as a mobile phone) using one or more Mobile Messaging Service Centers ("MMSCs") and associated hardware and software that exchange information with the MMS client device.

COUNT I AGAINST VERIZON:

INFRINGEMENT OF U.S. PATENT NO. 6,496,692

57. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

58. On information and belief, Verizon has and continues to infringe one or more claims of the '692 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and hardware and software components of servers and other network infrastructure that enable and/or make use of these products and services.

59. On information and belief, Verizon has induced and continues to induce infringement of the '692 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to perform the claimed methods for programming customized information such as audio and/or video into programmable devices. Such performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '692 Patent by such customers or third parties. Verizon's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these

products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, Verizon has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

60. Verizon has proceeded in this manner despite its actual knowledge of the '692 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '692 Patent. At the very least, because Verizon has been and remains on notice of the '692 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

61. On information and belief, Verizon has contributed and continues to contribute to the infringement of the '692 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein use of these components constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '692 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by Verizon constitute material parts of the claimed inventions of the '692 Patent.

62. On information and belief, Verizon knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '692 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '692 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in performing the claimed methods for programming customized information such as audio and/or video into programmable devices.

63. On information and belief, Verizon has willfully infringed and continues to willfully infringe the '692 Patent by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '692 Patent, and by contributing to the infringement of the '692 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

64. Solocron has suffered damages as a result of Verizon's infringement of the '692 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Verizon, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '692 Patent.

COUNT II AGAINST VERIZON:

INFRINGEMENT OF U.S. PATENT NO. 7,257,395

65. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

66. On information and belief, Verizon has and continues to infringe one or more claims of the '395 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

67. On information and belief, Verizon has induced and continues to induce infringement of the '395 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '395 Patent by such customers or third parties. Verizon's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, Verizon has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

68. Verizon has proceeded in this manner despite its actual knowledge of the '395 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '395 Patent. At the very least, because Verizon has been and remains on notice of the '395 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

69. On information and belief, Verizon has contributed and continues to contribute to the infringement of the '395 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein the system embodies the patented invention. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '395 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by Verizon constitute material parts of the claimed inventions of the '395 Patent.

70. On information and belief, Verizon knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '395 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '395 Patent. For example, at least the combination of

hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in conjunction with or as part of the claimed systems for programming customized information such as audio and/or video into programmable devices.

71. On information and belief, Verizon has willfully infringed and continues to willfully infringe the '395 Patent by making, using, offering to sell, and/or selling the applications and other components of the claimed system in the United States without authority, by actively inducing infringement of the '395 Patent, and by contributing to the infringement of the '395 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

72. Solocron has suffered damages as a result of Verizon's infringement of the '395 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Verizon, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '395 Patent.

COUNT III AGAINST VERIZON:

INFRINGEMENT OF U.S. PATENT NO. 7,295,864

73. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

74. On information and belief, Verizon has and continues to infringe one or more claims of the '864 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the

patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services and websites, servers, and other network infrastructure that enable and/or make use of these products and services.

75. On information and belief, Verizon has induced and continues to induce infringement of the '864 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '864 Patent by such customers or third parties. Verizon's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, Verizon has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

76. Verizon has proceeded in this manner despite its actual knowledge of the '864 Patent and that the specific actions it actively induced on the part of its customers and other third

parties constitute infringement of the '864 Patent. At the very least, because Verizon has been and remains on notice of the '864 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

77. On information and belief, Verizon has contributed and continues to contribute to the infringement of the '864 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein the system embodies the patented invention and wherein use of these components constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '864 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by Verizon constitute material parts of the claimed inventions of the '864 Patent.

78. On information and belief, Verizon knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '864 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '864 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that

enable the ringtone products and services are used only in conjunction with or as part of the claimed systems, and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

79. On information and belief, Verizon has willfully infringed and continues to willfully infringe the '864 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '864 Patent, and by contributing to the infringement of the '864 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

80. Solocron has suffered damages as a result of Verizon's infringement of the '864 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Verizon, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '864 Patent.

COUNT IV AGAINST VERIZON:

INFRINGEMENT OF U.S. PATENT NO. 7,319,866

81. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

82. On information and belief, Verizon has and continues to infringe one or more claims of the '866 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority products, devices, systems, and/or components of systems that embody the patented

invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

83. On information and belief, Verizon has induced and continues to induce infringement of the '866 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '866 Patent by such customers or third parties. Verizon's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, Verizon has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

84. Verizon has proceeded in this manner despite its actual knowledge of the '866 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '866 Patent. At the very least, because Verizon has been

and remains on notice of the '866 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

85. On information and belief, Verizon has contributed and continues to contribute to the infringement of the '866 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein the components of the system embody the patented invention. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '866 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by Verizon constitute material parts of the claimed inventions of the '866 Patent.

86. On information and belief, Verizon knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '866 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '866 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in conjunction with or as part of the

claimed systems for programming customized information such as audio and/or video into programmable devices.

87. On information and belief, Verizon has willfully infringed and continues to willfully infringe the '866 Patent by making, using, offering to sell, and/or selling the applications and other components of the claimed system in the United States without authority, by actively inducing infringement of the '866 Patent, and by contributing to the infringement of the '866 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

88. Solocron has suffered damages as a result of Verizon's infringement of the '866 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Verizon, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '866 Patent.

COUNT V AGAINST VERIZON:

INFRINGEMENT OF U.S. PATENT NO. 7,742,759

89. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

90. On information and belief, Verizon has and continues to infringe one or more claims of the '759 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device

products and services such as Multimedia Messaging Service (“MMS”) services, ringtone products and services, and servers and other network infrastructure (such as a Multimedia Messaging Service Center or “MMSC”) that enable and/or make use of these products and services.

91. On information and belief, Verizon has induced and continues to induce infringement of the ’759 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the ’759 Patent by such customers or third parties. Verizon’s acts of encouragement include: providing and intending its customers to use MMS services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing components and systems that enable and/or make use of these services, including, *e.g.*, servers, other network infrastructure equipment (such as the Multimedia Messaging Service Center or “MMSC”), and mobile phones; advertising these services through its own and third-party websites; and providing instructions to use these services. Furthermore, Verizon has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

92. Verizon has proceeded in this manner despite its actual knowledge of the ’759 Patent and that the specific actions it actively induced on the part of its customers and other third

parties constitute infringement of the '759 Patent. At the very least, because Verizon has been and remains on notice of the '759 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

93. On information and belief, Verizon has contributed and continues to contribute to the infringement of the '759 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of MMS services and servers and other network infrastructure equipment (such as the MMSC) that enable and/or make use of those services, wherein the system embodies the patented invention and wherein use of the system constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment (such as the MMSC) are used to provide MMS services (including, for example, transmitting and converting MMS picture messages), the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '759 Patent. These components supplied by Verizon, including, *e.g.*, the components of these servers and other network infrastructure equipment (such as the MMSC), constitute material parts of the claimed inventions of the '759 Patent.

94. On information and belief, Verizon knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '759 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '759 Patent. For example, at least the components of the

MMSC for content adaptation are used only in conjunction with or as part of the claimed systems, and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

95. On information and belief, Verizon has willfully infringed and continues to willfully infringe the '759 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '759 Patent, and by contributing to the infringement of the '759 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

96. Solocron has suffered damages as a result of Verizon's infringement of the '759 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Verizon, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '759 Patent.

COUNT VI AGAINST VERIZON:

INFRINGEMENT OF U.S. PATENT NO. 8,249,572

97. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein

98. On information and belief, Verizon has and continues to infringe one or more claims of the '572 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the

patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

99. On information and belief, Verizon has induced and continues to induce infringement of the '572 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '572 Patent by such customers or third parties. Verizon's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, Verizon has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

100. Verizon has proceeded in this manner despite its actual knowledge of the '572 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '572 Patent. At the very least, because Verizon has been

and remains on notice of the '572 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

101. On information and belief, Verizon has contributed and continues to contribute to the infringement of the '572 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein use of the system constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '572 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by Verizon constitute material parts of the claimed inventions of the '572 Patent.

102. On information and belief, Verizon knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '572 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '572 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable ringtone products and services are used only in conjunction with or as part of the claimed

systems for programming customized information such as audio and/or video into programmable devices.

103. On information and belief, Verizon has willfully infringed and continues to willfully infringe the '572 Patent by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '572 Patent, and by contributing to the infringement of the '572 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

104. Solocron has suffered damages as a result of Verizon's infringement of the '572 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Verizon, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '572 Patent.

COUNT VII AGAINST VERIZON:

INFRINGEMENT OF U.S. PATENT NO. 8,594,651

105. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

106. On information and belief, Verizon has and continues to infringe one or more claims of the '651 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as Multimedia Messaging Service ("MMS") services, ringtone

products and services, and servers and other network infrastructure (such as a Multimedia Messaging Service Center or “MMSC”) that enable and/or make use of these products and services.

107. On information and belief, Verizon has induced and continues to induce infringement of the ’651 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the ’651 Patent by such customers or third parties. Verizon’s acts of encouragement include: providing and intending its customers to use MMS services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing components and systems that enable and/or make use of these services, including, *e.g.*, servers, other network infrastructure equipment (such as the Multimedia Messaging Service Center or “MMSC”), and mobile phones; advertising these services through its own and third-party websites; and providing instructions to use these services. Furthermore, Verizon has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

108. Verizon has proceeded in this manner despite its actual knowledge of the ’651 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the ’651 Patent. At the very least, because Verizon has been

and remains on notice of the '651 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

109. On information and belief, Verizon has contributed and continues to contribute to the infringement of the '651 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of MMS services and servers and other network infrastructure equipment (such as the MMSC) that enable and/or make use of those services, wherein the system embodies the patented invention and wherein use of the system constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment (such as the MMSC) are used to provide MMS services (including, for example, transmitting and converting MMS picture messages), the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '651 Patent. These components supplied by Verizon, including, *e.g.*, the components of these servers and other network infrastructure equipment (such as the MMSC), constitute material parts of the claimed inventions of the '651 Patent.

110. On information and belief, Verizon knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '651 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '651 Patent. For example, at least the components of the MMSC for content adaptation are used only in conjunction with or as part of the claimed systems,

and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

111. On information and belief, Verizon has willfully infringed and continues to willfully infringe the '651 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '651 Patent, and by contributing to the infringement of the '651 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

112. Solocron has suffered damages as a result of Verizon's infringement of the '651 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Verizon, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '651 Patent.

COUNT I AGAINST AT&T: INFRINGEMENT OF U.S. PATENT NO. 6,496,692

113. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

114. On information and belief, AT&T has and continues to infringe one or more claims of the '692 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and hardware and software components of

servers and other network infrastructure that enable and/or make use of these products and services.

115. On information and belief, AT&T has induced and continues to induce infringement of the '692 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to perform the claimed methods for programming customized information such as audio and/or video into programmable devices. Such performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '692 Patent by such customers or third parties. AT&T's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, AT&T has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

116. AT&T has proceeded in this manner despite its actual knowledge of the '692 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '692 Patent. At the very least, because AT&T has been and remains on notice of the '692 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

117. On information and belief, AT&T has contributed and continues to contribute to the infringement of the '692 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein use of these components constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '692 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by AT&T constitute material parts of the claimed inventions of the '692 Patent.

118. On information and belief, AT&T knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '692 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '692 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in performing the claimed methods for programming customized information such as audio and/or video into programmable devices.

119. On information and belief, AT&T has willfully infringed and continues to willfully infringe the '692 Patent by performing in the United States and without authority every

step of the claimed invention, by actively inducing infringement of the '692 Patent, and by contributing to the infringement of the '692 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

120. Solocron has suffered damages as a result of AT&T's infringement of the '692 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting AT&T, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '692 Patent.

COUNT II AGAINST AT&T:

INFRINGEMENT OF U.S. PATENT NO. 7,257,395

121. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

122. On information and belief, AT&T has and continues to infringe one or more claims of the '395 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

123. On information and belief, AT&T has induced and continues to induce infringement of the '395 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system for programming customized information such as audio and/or video into programmable devices. Such making and/or using

of the claimed system for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '395 Patent by such customers or third parties. AT&T's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, AT&T has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

124. AT&T has proceeded in this manner despite its actual knowledge of the '395 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '395 Patent. At the very least, because AT&T has been and remains on notice of the '395 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

125. On information and belief, AT&T has contributed and continues to contribute to the infringement of the '395 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain

ringtone products and services, wherein the system embodies the patented invention. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '395 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by AT&T constitute material parts of the claimed inventions of the '395 Patent.

126. On information and belief, AT&T knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '395 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '395 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in conjunction with or as part of the claimed systems for programming customized information such as audio and/or video into programmable devices.

127. On information and belief, AT&T has willfully infringed and continues to willfully infringe the '395 Patent by making, using, offering to sell, and/or selling the applications and other components of the claimed system in the United States without authority, by actively inducing infringement of the '395 Patent, and by contributing to the infringement of the '395 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

128. Solocron has suffered damages as a result of AT&T's infringement of the '395 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting AT&T, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '395 Patent.

COUNT III AGAINST AT&T:

INFRINGEMENT OF U.S. PATENT NO. 7,295,864

129. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

130. On information and belief, AT&T has and continues to infringe one or more claims of the '864 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services and websites, servers, and other network infrastructure that enable and/or make use of these products and services.

131. On information and belief, AT&T has induced and continues to induce infringement of the '864 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of

the '864 Patent by such customers or third parties. AT&T's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, AT&T has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

132. AT&T has proceeded in this manner despite its actual knowledge of the '864 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '864 Patent. At the very least, because AT&T has been and remains on notice of the '864 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

133. On information and belief, AT&T has contributed and continues to contribute to the infringement of the '864 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein the system embodies the patented invention and wherein use of these components constitutes performance of the claimed methods. When, for example,

these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '864 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by AT&T constitute material parts of the claimed inventions of the '864 Patent.

134. On information and belief, AT&T knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '864 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '864 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in conjunction with or as part of the claimed systems, and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

135. On information and belief, AT&T has willfully infringed and continues to willfully infringe the '864 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '864 Patent, and by contributing to the infringement of the '864 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

136. Solocron has suffered damages as a result of AT&T's infringement of the '864 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting AT&T, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '864 Patent.

COUNT IV AGAINST AT&T:

INFRINGEMENT OF U.S. PATENT NO. 7,319,866

137. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

138. On information and belief, AT&T has and continues to infringe one or more claims of the '866 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

139. On information and belief, AT&T has induced and continues to induce infringement of the '866 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '866 Patent by such customers or third parties. AT&T's acts of encouragement include: providing and intending its customers to use ringtone products and

services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, AT&T has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

140. AT&T has proceeded in this manner despite its actual knowledge of the '866 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '866 Patent. At the very least, because AT&T has been and remains on notice of the '866 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

141. On information and belief, AT&T has contributed and continues to contribute to the infringement of the '866 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein the components of the system embody the patented invention. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used thereby infringing, literally or under the doctrine of equivalents,

one or more claims of the '866 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by AT&T constitute material parts of the claimed inventions of the '866 Patent.

142. On information and belief, AT&T knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '866 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '866 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in conjunction with or as part of the claimed systems for programming customized information such as audio and/or video into programmable devices.

143. On information and belief, AT&T has willfully infringed and continues to willfully infringe the '866 Patent by making, using, offering to sell, and/or selling the applications and other components of the claimed system in the United States without authority, by actively inducing infringement of the '866 Patent, and by contributing to the infringement of the '866 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

144. Solocron has suffered damages as a result of AT&T's infringement of the '866 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting AT&T, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '866 Patent.

COUNT V AGAINST AT&T:

INFRINGEMENT OF U.S. PATENT NO. 7,742,759

145. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

146. On information and belief, AT&T has and continues to infringe one or more claims of the '759 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as Multimedia Messaging Service ("MMS") services, ringtone products and services, and servers and other network infrastructure (such as a Multimedia Messaging Service Center or "MMSC") that enable and/or make use of these products and services.

147. On information and belief, AT&T has induced and continues to induce infringement of the '759 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '759 Patent by such customers or third parties. AT&T's acts of encouragement include: providing and intending its customers to use MMS services; purposefully and voluntarily placing

infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing components and systems that enable and/or make use of these services, including, *e.g.*, servers, other network infrastructure equipment (such as the Multimedia Messaging Service Center or “MMSC”), and mobile phones; advertising these services through its own and third-party websites; and providing instructions to use these services. Furthermore, AT&T has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

148. AT&T has proceeded in this manner despite its actual knowledge of the ’759 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the ’759 Patent. At the very least, because AT&T has been and remains on notice of the ’759 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

149. On information and belief, AT&T has contributed and continues to contribute to the infringement of the ’759 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of MMS services and servers and other network infrastructure equipment (such as the MMSC) that enable and/or make use of those services, wherein the system embodies the patented invention and wherein use of the system constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment (such as the MMSC) are used to provide MMS services (including, for example,

transmitting and converting MMS picture messages), the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '759 Patent. These components supplied by AT&T, including, *e.g.*, the components of these servers and other network infrastructure equipment (such as the MMSC), constitute material parts of the claimed inventions of the '759 Patent.

150. On information and belief, AT&T knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '759 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '759 Patent. For example, at least the components of the MMSC for content adaptation are used only in conjunction with or as part of the claimed systems, and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

151. On information and belief, AT&T has willfully infringed and continues to willfully infringe the '759 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '759 Patent, and by contributing to the infringement of the '759 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

152. Solocron has suffered damages as a result of AT&T's infringement of the '759 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this

Court issues a permanent injunction prohibiting AT&T, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '759 Patent.

COUNT VI AGAINST AT&T:

INFRINGEMENT OF U.S. PATENT NO. 8,249,572

153. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein

154. On information and belief, AT&T has and continues to infringe one or more claims of the '572 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

155. On information and belief, AT&T has induced and continues to induce infringement of the '572 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '572 Patent by such customers or third parties. AT&T's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern

District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, AT&T has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

156. AT&T has proceeded in this manner despite its actual knowledge of the '572 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '572 Patent. At the very least, because AT&T has been and remains on notice of the '572 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

157. On information and belief, AT&T has contributed and continues to contribute to the infringement of the '572 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein use of the system constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '572 Patent. These combined hardware and software components of servers

and other network infrastructure equipment supplied by AT&T constitute material parts of the claimed inventions of the '572 Patent.

158. On information and belief, AT&T knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '572 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '572 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable ringtone products and services are used only in conjunction with or as part of the claimed systems for programming customized information such as audio and/or video into programmable devices.

159. On information and belief, AT&T has willfully infringed and continues to willfully infringe the '572 Patent by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '572 Patent, and by contributing to the infringement of the '572 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

160. Solocron has suffered damages as a result of AT&T's infringement of the '572 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting AT&T, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '572 Patent.

COUNT VII AGAINST AT&T:

INFRINGEMENT OF U.S. PATENT NO. 8,594,651

161. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

162. On information and belief, AT&T has and continues to infringe one or more claims of the '651 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as Multimedia Messaging Service ("MMS") services, ringtone products and services, and servers and other network infrastructure (such as a Multimedia Messaging Service Center or "MMSC") that enable and/or make use of these products and services.

163. On information and belief, AT&T has induced and continues to induce infringement of the '651 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '651 Patent by such customers or third parties. AT&T's acts of encouragement include: providing and intending its customers to use MMS services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing components

and systems that enable and/or make use of these services, including, *e.g.*, servers, other network infrastructure equipment (such as the Multimedia Messaging Service Center or “MMSC”), and mobile phones; advertising these services through its own and third-party websites; and providing instructions to use these services. Furthermore, AT&T has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

164. AT&T has proceeded in this manner despite its actual knowledge of the ’651 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the ’651 Patent. At the very least, because AT&T has been and remains on notice of the ’651 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

165. On information and belief, AT&T has contributed and continues to contribute to the infringement of the ’651 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of MMS services and servers and other network infrastructure equipment (such as the MMSC) that enable and/or make use of those services, wherein the system embodies the patented invention and wherein use of the system constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment (such as the MMSC) are used to provide MMS services (including, for example, transmitting and converting MMS picture messages), the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of

equivalents, one or more claims of the '651 Patent. These components supplied by AT&T, including, *e.g.*, the components of these servers and other network infrastructure equipment (such as the MMSC), constitute material parts of the claimed inventions of the '651 Patent.

166. On information and belief, AT&T knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '651 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '651 Patent. For example, at least the components of the MMSC for content adaptation are used only in conjunction with or as part of the claimed systems, and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

167. On information and belief, AT&T has willfully infringed and continues to willfully infringe the '651 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '651 Patent, and by contributing to the infringement of the '651 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

168. Solocron has suffered damages as a result of AT&T's infringement of the '651 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting AT&T, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '651 Patent.

COUNT I AGAINST SPRINT:

INFRINGEMENT OF U.S. PATENT NO. 6,496,692

169. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

170. On information and belief, Sprint has and continues to infringe one or more claims of the '692 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and hardware and software components of servers and other network infrastructure that enable and/or make use of these products and services.

171. On information and belief, Sprint has induced and continues to induce infringement of the '692 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to perform the claimed methods for programming customized information such as audio and/or video into programmable devices. Such performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '692 Patent by such customers or third parties. Sprint's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these

products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, Sprint has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

172. Sprint has proceeded in this manner despite its actual knowledge of the '692 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '692 Patent. At the very least, because Sprint has been and remains on notice of the '692 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

173. On information and belief, Sprint has contributed and continues to contribute to the infringement of the '692 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein use of these components constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '692 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by Sprint constitute material parts of the claimed inventions of the '692 Patent.

174. On information and belief, Sprint knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '692 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '692 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in performing the claimed methods for programming customized information such as audio and/or video into programmable devices.

175. On information and belief, Sprint has willfully infringed and continues to willfully infringe the '692 Patent by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '692 Patent, and by contributing to the infringement of the '692 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

176. Solocron has suffered damages as a result of Sprint's infringement of the '692 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Sprint, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '692 Patent.

COUNT II AGAINST SPRINT:

INFRINGEMENT OF U.S. PATENT NO. 7,257,395

177. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

178. On information and belief, Sprint has and continues to infringe one or more claims of the '395 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

179. On information and belief, Sprint has induced and continues to induce infringement of the '395 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '395 Patent by such customers or third parties. Sprint's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, Sprint has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

180. Sprint has proceeded in this manner despite its actual knowledge of the '395 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '395 Patent. At the very least, because Sprint has been and remains on notice of the '395 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

181. On information and belief, Sprint has contributed and continues to contribute to the infringement of the '395 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein the system embodies the patented invention. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '395 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by Sprint constitute material parts of the claimed inventions of the '395 Patent.

182. On information and belief, Sprint knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '395 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '395 Patent. For example, at least the combination of

hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in conjunction with or as part of the claimed systems for programming customized information such as audio and/or video into programmable devices.

183. On information and belief, Sprint has willfully infringed and continues to willfully infringe the '395 Patent by making, using, offering to sell, and/or selling the applications and other components of the claimed system in the United States without authority, by actively inducing infringement of the '395 Patent, and by contributing to the infringement of the '395 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

184. Solocron has suffered damages as a result of Sprint's infringement of the '395 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Sprint, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '395 Patent.

COUNT III AGAINST SPRINT:

INFRINGEMENT OF U.S. PATENT NO. 7,295,864

185. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

186. On information and belief, Sprint has and continues to infringe one or more claims of the '864 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the

patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services and websites, servers, and other network infrastructure that enable and/or make use of these products and services.

187. On information and belief, Sprint has induced and continues to induce infringement of the '864 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '864 Patent by such customers or third parties. Sprint's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, Sprint has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

188. Sprint has proceeded in this manner despite its actual knowledge of the '864 Patent and that the specific actions it actively induced on the part of its customers and other third

parties constitute infringement of the '864 Patent. At the very least, because Sprint has been and remains on notice of the '864 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

189. On information and belief, Sprint has contributed and continues to contribute to the infringement of the '864 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein the system embodies the patented invention and wherein use of these components constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '864 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by Sprint constitute material parts of the claimed inventions of the '864 Patent.

190. On information and belief, Sprint knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '864 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '864 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that

enable the ringtone products and services are used only in conjunction with or as part of the claimed systems, and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

191. On information and belief, Sprint has willfully infringed and continues to willfully infringe the '864 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '864 Patent, and by contributing to the infringement of the '864 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

192. Solocron has suffered damages as a result of Sprint's infringement of the '864 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Sprint, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '864 Patent.

COUNT IV AGAINST SPRINT:

INFRINGEMENT OF U.S. PATENT NO. 7,319,866

193. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

194. On information and belief, Sprint has and continues to infringe one or more claims of the '866 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority products, devices, systems, and/or components of systems that embody the patented

invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

195. On information and belief, Sprint has induced and continues to induce infringement of the '866 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '866 Patent by such customers or third parties. Sprint's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, Sprint has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

196. Sprint has proceeded in this manner despite its actual knowledge of the '866 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '866 Patent. At the very least, because Sprint has been and

remains on notice of the '866 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

197. On information and belief, Sprint has contributed and continues to contribute to the infringement of the '866 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein the components of the system embody the patented invention. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '866 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by Sprint constitute material parts of the claimed inventions of the '866 Patent.

198. On information and belief, Sprint knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '866 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '866 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in conjunction with or as part of the

claimed systems for programming customized information such as audio and/or video into programmable devices.

199. On information and belief, Sprint has willfully infringed and continues to willfully infringe the '866 Patent by making, using, offering to sell, and/or selling the applications and other components of the claimed system in the United States without authority, by actively inducing infringement of the '866 Patent, and by contributing to the infringement of the '866 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

200. Solocron has suffered damages as a result of Sprint's infringement of the '866 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Sprint, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '866 Patent.

COUNT V AGAINST SPRINT:

INFRINGEMENT OF U.S. PATENT NO. 7,742,759

201. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

202. On information and belief, Sprint has and continues to infringe one or more claims of the '759 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device

products and services such as Multimedia Messaging Service (“MMS”) services, ringtone products and services, and servers and other network infrastructure (such as a Multimedia Messaging Service Center or “MMSC”) that enable and/or make use of these products and services.

203. On information and belief, Sprint has induced and continues to induce infringement of the ’759 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the ’759 Patent by such customers or third parties. Sprint’s acts of encouragement include: providing and intending its customers to use MMS services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing components and systems that enable and/or make use of these services, including, *e.g.*, servers, other network infrastructure equipment (such as the Multimedia Messaging Service Center or “MMSC”), and mobile phones; advertising these services through its own and third-party websites; and providing instructions to use these services. Furthermore, Sprint has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

204. Sprint has proceeded in this manner despite its actual knowledge of the ’759 Patent and that the specific actions it actively induced on the part of its customers and other third

parties constitute infringement of the '759 Patent. At the very least, because Sprint has been and remains on notice of the '759 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

205. On information and belief, Sprint has contributed and continues to contribute to the infringement of the '759 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of MMS services and servers and other network infrastructure equipment (such as the MMSC) that enable and/or make use of those services, wherein the system embodies the patented invention and wherein use of the system constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment (such as the MMSC) are used to provide MMS services (including, for example, transmitting and converting MMS picture messages), the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '759 Patent. These components supplied by Sprint, including, *e.g.*, the components of these servers and other network infrastructure equipment (such as the MMSC), constitute material parts of the claimed inventions of the '759 Patent.

206. On information and belief, Sprint knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '759 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '759 Patent. For example, at least the components of the

MMSC for content adaptation are used only in conjunction with or as part of the claimed systems, and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

207. On information and belief, Sprint has willfully infringed and continues to willfully infringe the '759 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '759 Patent, and by contributing to the infringement of the '759 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

208. Solocron has suffered damages as a result of Sprint's infringement of the '759 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Sprint, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '759 Patent.

COUNT VI AGAINST SPRINT:

INFRINGEMENT OF U.S. PATENT NO. 8,249,572

209. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein

210. On information and belief, Sprint has and continues to infringe one or more claims of the '572 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the

patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

211. On information and belief, Sprint has induced and continues to induce infringement of the '572 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '572 Patent by such customers or third parties. Sprint's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, Sprint has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

212. Sprint has proceeded in this manner despite its actual knowledge of the '572 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '572 Patent. At the very least, because Sprint has been and

remains on notice of the '572 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

213. On information and belief, Sprint has contributed and continues to contribute to the infringement of the '572 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein use of the system constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '572 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by Sprint constitute material parts of the claimed inventions of the '572 Patent.

214. On information and belief, Sprint knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '572 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '572 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable ringtone products and services are used only in conjunction with or as part of the claimed

systems for programming customized information such as audio and/or video into programmable devices.

215. On information and belief, Sprint has willfully infringed and continues to willfully infringe the '572 Patent by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '572 Patent, and by contributing to the infringement of the '572 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

216. Solocron has suffered damages as a result of Sprint's infringement of the '572 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Sprint, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '572 Patent.

COUNT VII AGAINST SPRINT:

INFRINGEMENT OF U.S. PATENT NO. 8,594,651

217. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

218. On information and belief, Sprint has and continues to infringe one or more claims of the '651 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as Multimedia Messaging Service ("MMS") services, ringtone products and services, and servers and other network infrastructure (such as a Multimedia

Messaging Service Center or “MMSC”) that enable and/or make use of these products and services.

219. On information and belief, Sprint has induced and continues to induce infringement of the ’651 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the ’651 Patent by such customers or third parties. Sprint’s acts of encouragement include: providing and intending its customers to use MMS services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing components and systems that enable and/or make use of these services, including, *e.g.*, servers, other network infrastructure equipment (such as the Multimedia Messaging Service Center or “MMSC”), and mobile phones; advertising these services through its own and third-party websites; and providing instructions to use these services. Furthermore, Sprint has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

220. Sprint has proceeded in this manner despite its actual knowledge of the ’651 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the ’651 Patent. At the very least, because Sprint has been and

remains on notice of the '651 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

221. On information and belief, Sprint has contributed and continues to contribute to the infringement of the '651 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of MMS services and servers and other network infrastructure equipment (such as the MMSC) that enable and/or make use of those services, wherein the system embodies the patented invention and wherein use of the system constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment (such as the MMSC) are used to provide MMS services (including, for example, transmitting and converting MMS picture messages), the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '651 Patent. These components supplied by Sprint, including, *e.g.*, the components of these servers and other network infrastructure equipment (such as the MMSC), constitute material parts of the claimed inventions of the '651 Patent.

222. On information and belief, Sprint knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '651 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '651 Patent. For example, at least the components of the MMSC for content adaptation are used only in conjunction with or as part of the claimed systems,

and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

223. On information and belief, Sprint has willfully infringed and continues to willfully infringe the '651 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '651 Patent, and by contributing to the infringement of the '651 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

224. Solocron has suffered damages as a result of Sprint's infringement of the '651 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Sprint, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '651 Patent.

COUNT I AGAINST T-MOBILE:

INFRINGEMENT OF U.S. PATENT NO. 6,496,692

225. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

226. On information and belief, T-Mobile has and continues to infringe one or more claims of the '692 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and

services such as ringtone products and services, and hardware and software components of servers and other network infrastructure that enable and/or make use of these products and services.

227. On information and belief, T-Mobile has induced and continues to induce infringement of the '692 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to perform the claimed methods for programming customized information such as audio and/or video into programmable devices. Such performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '692 Patent by such customers or third parties. T-Mobile's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, T-Mobile has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

228. T-Mobile has proceeded in this manner despite its actual knowledge of the '692 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '692 Patent. At the very least, because T-Mobile has been

and remains on notice of the '692 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

229. On information and belief, T-Mobile has contributed and continues to contribute to the infringement of the '692 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein use of these components constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '692 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by T-Mobile constitute material parts of the claimed inventions of the '692 Patent.

230. On information and belief, T-Mobile knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '692 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '692 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in performing the claimed methods for programming customized information such as audio and/or video into programmable devices.

231. On information and belief, T-Mobile has willfully infringed and continues to willfully infringe the '692 Patent by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '692 Patent, and by contributing to the infringement of the '692 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

232. Solocron has suffered damages as a result of T-Mobile's infringement of the '692 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting T-Mobile, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '692 Patent.

COUNT II AGAINST T-MOBILE:

INFRINGEMENT OF U.S. PATENT NO. 7,257,395

233. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

234. On information and belief, T-Mobile has and continues to infringe one or more claims of the '395 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

235. On information and belief, T-Mobile has induced and continues to induce infringement of the '395 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and

other third parties to make and/or use the claimed system for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '395 Patent by such customers or third parties. T-Mobile's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, T-Mobile has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

236. T-Mobile has proceeded in this manner despite its actual knowledge of the '395 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '395 Patent. At the very least, because T-Mobile has been and remains on notice of the '395 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

237. On information and belief, T-Mobile has contributed and continues to contribute to the infringement of the '395 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into

programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein the system embodies the patented invention. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '395 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by T-Mobile constitute material parts of the claimed inventions of the '395 Patent.

238. On information and belief, T-Mobile knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '395 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '395 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in conjunction with or as part of the claimed systems for programming customized information such as audio and/or video into programmable devices.

239. On information and belief, T-Mobile has willfully infringed and continues to willfully infringe the '395 Patent by making, using, offering to sell, and/or selling the applications and other components of the claimed system in the United States without authority, by actively inducing infringement of the '395 Patent, and by contributing to the infringement of the '395 Patent despite an objectively high likelihood that such actions constitute infringement

and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

240. Solocron has suffered damages as a result of T-Mobile's infringement of the '395 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting T-Mobile, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '395 Patent.

COUNT III AGAINST T-MOBILE:

INFRINGEMENT OF U.S. PATENT NO. 7,295,864

241. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

242. On information and belief, T-Mobile has and continues to infringe one or more claims of the '864 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services and websites, servers, and other network infrastructure that enable and/or make use of these products and services.

243. On information and belief, T-Mobile has induced and continues to induce infringement of the '864 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for

programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '864 Patent by such customers or third parties. T-Mobile's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, T-Mobile has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

244. T-Mobile has proceeded in this manner despite its actual knowledge of the '864 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '864 Patent. At the very least, because T-Mobile has been and remains on notice of the '864 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

245. On information and belief, T-Mobile has contributed and continues to contribute to the infringement of the '864 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain

ringtone products and services, wherein the system embodies the patented invention and wherein use of these components constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '864 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by T-Mobile constitute material parts of the claimed inventions of the '864 Patent.

246. On information and belief, T-Mobile knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '864 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '864 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in conjunction with or as part of the claimed systems, and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

247. On information and belief, T-Mobile has willfully infringed and continues to willfully infringe the '864 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '864 Patent, and by contributing to the infringement of the '864 Patent despite an objectively high likelihood that such actions constitute infringement

and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

248. Solocron has suffered damages as a result of T-Mobile's infringement of the '864 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting T-Mobile, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '864 Patent.

COUNT IV AGAINST T-MOBILE:

INFRINGEMENT OF U.S. PATENT NO. 7,319,866

249. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

250. On information and belief, T-Mobile has and continues to infringe one or more claims of the '866 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

251. On information and belief, T-Mobile has induced and continues to induce infringement of the '866 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of

one or more claims of the '866 Patent by such customers or third parties. T-Mobile's acts of encouragement include: providing and intending its customers to use ringtone products and services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, T-Mobile has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

252. T-Mobile has proceeded in this manner despite its actual knowledge of the '866 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '866 Patent. At the very least, because T-Mobile has been and remains on notice of the '866 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

253. On information and belief, T-Mobile has contributed and continues to contribute to the infringement of the '866 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein the components of the system embody the patented invention. When, for example, these combined hardware and software components of servers

and other network infrastructure equipment are used to deliver ringtone products, the claimed systems are made and/or used thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '866 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by T-Mobile constitute material parts of the claimed inventions of the '866 Patent.

254. On information and belief, T-Mobile knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '866 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '866 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable the ringtone products and services are used only in conjunction with or as part of the claimed systems for programming customized information such as audio and/or video into programmable devices.

255. On information and belief, T-Mobile has willfully infringed and continues to willfully infringe the '866 Patent by making, using, offering to sell, and/or selling the applications and other components of the claimed system in the United States without authority, by actively inducing infringement of the '866 Patent, and by contributing to the infringement of the '866 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

256. Solocron has suffered damages as a result of T-Mobile's infringement of the '866 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this

Court issues a permanent injunction prohibiting T-Mobile, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '866 Patent.

COUNT V AGAINST T-MOBILE:

INFRINGEMENT OF U.S. PATENT NO. 7,742,759

257. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

258. On information and belief, T-Mobile has and continues to infringe one or more claims of the '759 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as Multimedia Messaging Service ("MMS") services, ringtone products and services, and servers and other network infrastructure (such as a Multimedia Messaging Service Center or "MMSC") that enable and/or make use of these products and services.

259. On information and belief, T-Mobile has induced and continues to induce infringement of the '759 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of

the '759 Patent by such customers or third parties. T-Mobile's acts of encouragement include: providing and intending its customers to use MMS services; purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing components and systems that enable and/or make use of these services, including, *e.g.*, servers, other network infrastructure equipment (such as the Multimedia Messaging Service Center or "MMSC"), and mobile phones; advertising these services through its own and third-party websites; and providing instructions to use these services. Furthermore, T-Mobile has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

260. T-Mobile has proceeded in this manner despite its actual knowledge of the '759 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '759 Patent. At the very least, because T-Mobile has been and remains on notice of the '759 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

261. On information and belief, T-Mobile has contributed and continues to contribute to the infringement of the '759 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of MMS services and servers and other network infrastructure equipment (such as the MMSC) that enable and/or make use of those services, wherein the system embodies the patented invention and wherein use of the system constitutes performance of the claimed methods. When, for example,

these combined hardware and software components of servers and other network infrastructure equipment (such as the MMSC) are used to provide MMS services (including, for example, transmitting and converting MMS picture messages), the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '759 Patent. These components supplied by T-Mobile, including, *e.g.*, the components of these servers and other network infrastructure equipment (such as the MMSC), constitute material parts of the claimed inventions of the '759 Patent.

262. On information and belief, T-Mobile knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '759 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '759 Patent. For example, at least the components of the MMSC for content adaptation are used only in conjunction with or as part of the claimed systems, and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

263. On information and belief, T-Mobile has willfully infringed and continues to willfully infringe the '759 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '759 Patent, and by contributing to the infringement of the '759 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

264. Solocron has suffered damages as a result of T-Mobile's infringement of the '759 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting T-Mobile, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '759 Patent.

COUNT VI AGAINST T-MOBILE:

INFRINGEMENT OF U.S. PATENT NO. 8,249,572

265. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein

266. On information and belief, T-Mobile has and continues to infringe one or more claims of the '572 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as ringtone products and services, and servers and other network infrastructure that enable and/or make use of these products and services.

267. On information and belief, T-Mobile has induced and continues to induce infringement of the '572 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '572 Patent by such customers or third parties. T-Mobile's acts of encouragement include: providing and intending its customers to use ringtone products and services;

purposefully and voluntarily placing infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing other components of the system that enable and/or make use of these products and services, including, *e.g.*, servers, other network infrastructure equipment, and mobile phones; advertising these products and services through its own and third-party websites; and providing instructions to use these products and services. Furthermore, T-Mobile has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

268. T-Mobile has proceeded in this manner despite its actual knowledge of the '572 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the '572 Patent. At the very least, because T-Mobile has been and remains on notice of the '572 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

269. On information and belief, T-Mobile has contributed and continues to contribute to the infringement of the '572 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of servers and other network infrastructure equipment that enable subscribers to browse for and obtain ringtone products and services, wherein use of the system constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment are used to deliver ringtone products, the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or

more claims of the '572 Patent. These combined hardware and software components of servers and other network infrastructure equipment supplied by T-Mobile constitute material parts of the claimed inventions of the '572 Patent.

270. On information and belief, T-Mobile knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '572 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '572 Patent. For example, at least the combination of hardware and software components of servers and other network infrastructure equipment that enable ringtone products and services are used only in conjunction with or as part of the claimed systems for programming customized information such as audio and/or video into programmable devices.

271. On information and belief, T-Mobile has willfully infringed and continues to willfully infringe the '572 Patent by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '572 Patent, and by contributing to the infringement of the '572 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

272. Solocron has suffered damages as a result of T-Mobile's infringement of the '572 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting T-Mobile, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '572 Patent.

COUNT VII AGAINST T-MOBILE:

INFRINGEMENT OF U.S. PATENT NO. 8,594,651

273. Solocron incorporates and realleges paragraphs 1 – 56 above as if fully set forth herein.

274. On information and belief, T-Mobile has and continues to infringe one or more claims of the '651 Patent pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by making, using, selling, and/or offering to sell in the United States and without authority, and by performing in the United States and without authority every step of the patented invention by using, products, devices, systems, and/or components of systems that embody the patented invention, including (but not limited to), for example, mobile device products and services such as Multimedia Messaging Service ("MMS") services, ringtone products and services, and servers and other network infrastructure (such as a Multimedia Messaging Service Center or "MMSC") that enable and/or make use of these products and services.

275. On information and belief, T-Mobile has induced and continues to induce infringement of the '651 Patent pursuant to 35 U.S.C. § 271(b) by encouraging its customers and other third parties to make and/or use the claimed system, and to perform the claimed methods, for programming customized information such as audio and/or video into programmable devices. Such making and/or using of the claimed system and performance of the claimed method for programming customized information such as audio and/or video into programmable devices constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the '651 Patent by such customers or third parties. T-Mobile's acts of encouragement include: providing and intending its customers to use MMS services; purposefully and voluntarily placing

infringing products and services in the stream of commerce with the expectation that its products and services will be used by customers in the Eastern District of Texas; providing components and systems that enable and/or make use of these services, including, *e.g.*, servers, other network infrastructure equipment (such as the Multimedia Messaging Service Center or “MMSC”), and mobile phones; advertising these services through its own and third-party websites; and providing instructions to use these services. Furthermore, T-Mobile has actual knowledge of how its accused products and services work, including how its accused products and services are used by its customers.

276. T-Mobile has proceeded in this manner despite its actual knowledge of the ’651 Patent and that the specific actions it actively induced on the part of its customers and other third parties constitute infringement of the ’651 Patent. At the very least, because T-Mobile has been and remains on notice of the ’651 Patent and the accused infringement, it has been and remains willfully blind regarding the infringement it has induced and continues to induce.

277. On information and belief, T-Mobile has contributed and continues to contribute to the infringement of the ’651 Patent pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying components of the claimed system for programming customized information such as audio and/or video into programmable devices, such as the combination of hardware and software components of MMS services and servers and other network infrastructure equipment (such as the MMSC) that enable and/or make use of those services, wherein the system embodies the patented invention and wherein use of the system constitutes performance of the claimed methods. When, for example, these combined hardware and software components of servers and other network infrastructure equipment (such as the MMSC) are used to provide MMS services (including, for example,

transmitting and converting MMS picture messages), the claimed systems are made and/or used and the claimed methods are performed, thereby infringing, literally or under the doctrine of equivalents, one or more claims of the '651 Patent. These components supplied by T-Mobile, including, *e.g.*, the components of these servers and other network infrastructure equipment (such as the MMSC), constitute material parts of the claimed inventions of the '651 Patent.

278. On information and belief, T-Mobile knows, for the reasons described in detail above, that these components are especially made and/or especially adapted for use in infringing the '651 Patent. Moreover, these components are not staple articles of commerce suitable for substantial noninfringing use at least because the components have no use apart from infringing the Asserted Patents, including the '651 Patent. For example, at least the components of the MMSC for content adaptation are used only in conjunction with or as part of the claimed systems, and are used only in performing the claimed methods, for programming customized information such as audio and/or video into programmable devices.

279. On information and belief, T-Mobile has willfully infringed and continues to willfully infringe the '651 Patent by making, using, offering to sell, and/or selling the services and other components of the claimed system in the United States without authority, by performing in the United States and without authority every step of the claimed invention, by actively inducing infringement of the '651 Patent, and by contributing to the infringement of the '651 Patent despite an objectively high likelihood that such actions constitute infringement and despite being on notice that its actions constitute infringement at least as of the date of service of Solocron's original Complaint, Exhibit H.

280. Solocron has suffered damages as a result of T-Mobile's infringement of the '651 Patent. In addition, Solocron will continue to suffer severe and irreparable harm unless this

Court issues a permanent injunction prohibiting T-Mobile, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '651 Patent.

PRAYER FOR RELIEF

For the above reasons, Solocron respectfully requests that this Court grant the following relief in favor of Solocron and against Verizon:

- (a) A judgment in favor of Solocron that Verizon has infringed (either literally or under the doctrine of equivalents) one or more claims of the Asserted Patents;
- (b) A permanent injunction enjoining Verizon and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with Verizon, from infringing the Asserted Patents;
- (c) A judgment and order requiring Verizon to pay Solocron its damages, costs, expenses, and pre-judgment and post-judgment interest for Verizon's infringement of the Asserted Patents;
- (d) An award of treble damages for Verizon's willful infringement of the Asserted Patents;
- (e) A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Solocron its reasonable attorney fees; and
- (f) Any and all such other relief as the Court deems just and proper.

For the above reasons, Solocron respectfully requests that this Court grant the following relief in favor of Solocron and against AT&T:

- (g) A judgment in favor of Solocron that AT&T has infringed (either literally or

under the doctrine of equivalents) one or more claims of the Asserted Patents;

- (h) A permanent injunction enjoining AT&T and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with AT&T, from infringing the Asserted Patents;
- (i) A judgment and order requiring AT&T to pay Solocron its damages, costs, expenses, and pre-judgment and post-judgment interest for AT&T's infringement of the Asserted Patents;
- (j) An award of treble damages for AT&T's willful infringement of the Asserted Patents;
- (k) A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Solocron its reasonable attorney fees; and
- (l) Any and all such other relief as the Court deems just and proper.

For the above reasons, Solocron respectfully requests that this Court grant the following relief in favor of Solocron and against Sprint:

- (m) A judgment in favor of Solocron that Sprint has infringed (either literally or under the doctrine of equivalents) one or more claims of the Asserted Patents;
- (n) A permanent injunction enjoining Sprint and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with Sprint, from infringing the Asserted Patents;
- (o) A judgment and order requiring Sprint to pay Solocron its damages, costs, expenses, and pre-judgment and post-judgment interest for Sprint's infringement

of the Asserted Patents;

- (p) An award of treble damages for Sprint's willful infringement of the Asserted Patents;
- (q) A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Solocron its reasonable attorney fees; and
- (r) Any and all such other relief as the Court deems just and proper.

For the above reasons, Solocron respectfully requests that this Court grant the following relief in favor of Solocron and against T-Mobile:

- (s) A judgment in favor of Solocron that T-Mobile has infringed (either literally or under the doctrine of equivalents) one or more claims of the Asserted Patents;
- (t) A permanent injunction enjoining T-Mobile and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with T-Mobile, from infringing the Asserted Patents;
- (u) A judgment and order requiring T-Mobile to pay Solocron its damages, costs, expenses, and pre-judgment and post-judgment interest for T-Mobile's infringement of the Asserted Patents;
- (v) An award of treble damages for T-Mobile's willful infringement of the Asserted Patents;
- (w) A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Solocron its reasonable attorney fees; and
- (x) Any and all such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff Solocron demands a trial by jury of this action.

Dated: December 20, 2013

By:

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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2013 I electronically filed the foregoing filing with the Clerk of the Court using the CM/ECF system and a copy of this will be sent to all counsel of record via electronic mail. All other parties not receiving electronic service will be served via process server or in accordance with Federal Rule of Civil Procedure 4(d).

By: /s/ Eric H. Findlay
Eric H. Findlay