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9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 SPADA INNOVATIONS, INC.,
13 Plaintiff,
14 v.
15 AT&T INC.
16 Defendant.

Case No.

**PLAINTIFF SPADA INNOVATIONS,
INC.'S COMPLAINT FOR PATENT
INFRINGEMENT – ACTION
SEEKING STATEWIDE OR
NATIONWIDE RELIEF**

Demand for Jury Trial

18
19 Plaintiff SPADA Innovations, Inc. (“SPADA”), for its Complaint herein
20 against AT&T Inc. (“AT&T”), avers as follows:

21 **JURISDICTION AND VENUE**

22 1. This is an action for patent infringement arising under the Patent Laws
23 of the United States, Title 35, United States Code. In this lawsuit, SPADA alleges
24 that AT&T has infringed two patents owned by SPADA that claim methods of using
25 a Passive Optical Network (PON) to distribute virtually separated signals that are part
26 of a combined data stream received by the PON and delivered to end users such that
27 only the intended recipient can access the information in that combined data stream
28 intended for that user.

1 2. This Court has jurisdiction over the subject matter of this action under
2 28 U.S.C. §§ 1331 and 1338(a).

3 3. This Court has personal jurisdiction over AT&T because AT&T
4 conducts business in this Judicial District, has committed acts of patent infringement
5 in this Judicial District, and has regular and established places of business in this
6 Judicial District.

7 4. Venue within this Judicial District is proper under 28 U.S.C. §§ 1391(b)
8 and (c), and 1400(b) because AT&T has committed acts of infringement in this
9 Judicial District and has regular and established places of business in this Judicial
10 District.

11 THE PARTIES AND FACTUAL BACKGROUND

12 5. Plaintiff SPADA is a California corporation with a principal place of
13 business at 12270 Ranch House Road, San Diego, California 92128. SPADA is in
14 the business of developing and licensing methods to provide voice, video and data to
15 homes and businesses using virtually separated signals with PONs in a simple,
16 economical, green and high-speed manner.

17 6. On information and belief, defendant AT&T is a Delaware corporation
18 with a principal place of business in Dallas, Texas.

19 7. Defendant AT&T advertises on the Internet and offers its infringing
20 AT&T PON based high-speed Fiber services for sale to businesses and to Internet
21 subscribers in this Judicial District and throughout the United States. On information
22 and belief, AT&T makes such sales, for example, through its att.com website.

23 8. U.S. patent 11,070.898 (“the ‘898 patent”), entitled “MUTUALLY
24 SECURE OPTICAL DATA NETWORK AND METHOD,” was duly and legally
25 issued to Joseph Vilella on July 20, 2021. Mr. Vilella, who is the President and CEO
26 of SPADA, assigned ownership of all right, title and interest in and to the ‘898 patent
27 to SPADA, including the right to sue for and to recover for past infringement thereof.
28 Accordingly, SPADA is the owner by assignment of the ‘898 patent. SPADA still

1 owns all right, title and interest in and to the ‘898 patent, including the right to sue for
2 and to recover for past infringement. A true and correct copy of the ‘898 patent is
3 attached as Exhibit A to this Complaint.

4 9. U.S. patent 11,589,142 (“the ‘142 patent”), entitled “MUTUALLY
5 SECURE OPTICAL DATA NETWORK AND METHOD,” was duly and legally
6 issued to Joseph Vilella on February 21, 2023. Mr. Vilella, who is the President and
7 CEO of SPADA, assigned ownership of all right, title and interest in and to the ‘142
8 patent to SPADA, including the right to sue for and to recover for past infringement
9 thereof. Accordingly, SPADA is the owner by assignment of the ‘142 patent.
10 SPADA still owns all right, title and interest in and to the ‘142 patent, including the
11 right to sue for and to recover for past infringement. A true and correct copy of the
12 ‘142 patent is attached as Exhibit B to this Complaint.

13 10. On information and belief, AT&T has been aware of the ‘898 patent and
14 of the ‘142 patent since at least May 30, 2024, when SPADA notified AT&T of the
15 ‘898 patent and of the ‘142 patent in connection with communications between
16 SPADA and AT&T in which SPADA offered to license its patents to AT&T.

17 11. AT&T has infringed, and is infringing, at least Claim 4 of the ‘898 patent
18 in this Judicial District and elsewhere in the United States by making, using, offering
19 to sell and selling AT&T PON-based high-speed Fiber services to businesses and to
20 subscribers. AT&T performs all of the steps of at least Claim 4 of the ‘898 patent
21 when AT&T provides AT&T PON-based high-speed Fiber services to its customers.

22 12. AT&T practices a “digital network communication method” as claimed
23 in Claim 4 of the ‘898 patent. AT&T was using the claimed method at the time the
24 ‘898 patent issued and continues to use the claimed method today. AT&T is an
25 Internet Service Provider (ISP) that, to satisfy critical information security
26 considerations and information speed demands of its subscribers, performs each of
27 the steps of the claimed method using virtually separated private data streams
28 provided to AT&T by service providers or generated by AT&T itself, and sent

1 through AT&T's PONs to the intended AT&T subscribers.

2 13. AT&T practices the step of "receiving from at least one passive optical
3 network (PON) interface router out of a plurality of PON interface routers at a PON
4 optical line terminal (OLT), at least one private data stream out of a plurality of data
5 streams" as claimed in Claim 4 of the '898 patent. AT&T provides Internet Protocol
6 (IP)-based services to its subscribers using PONs. Those services can include
7 transmission of digitized voice, video and data information. Publicly available
8 information and the PON-based high-speed Fiber services advertised by AT&T show
9 AT&T's use of PONs. The advertised speeds available via AT&T's PON networks
10 convey Virtual Private Networks (VPNs). The PONs used by AT&T provide
11 subscribers with competitive data speeds. Each PON includes an optical aggregation
12 switch, referred to as an Optical Line Terminal (OLT), and one or more passive
13 optical splitters that connect the OLT to several Optical Network Units (ONUs). An
14 OLT can receive private data streams directly from a PON interface router, or
15 indirectly via a network aggregation switch connected between one or more PON
16 interface routers and the OLT. Data streams that include private data streams are sent
17 to an OLT, which creates one or more identical distribution feeds also referred to as
18 common data feeds. The private data streams are intended for specific subscribers.
19 AT&T's OLTs receive from their associated PON interface routers virtually separated
20 private IP data streams to deliver various services intended for specific subscribers.

21 14. The step practiced by AT&T includes that "said at least one private data
22 stream is virtually separated using Virtual Routing and Forwarding (VRF) to form at
23 least one virtually separated private data stream comprised of Multi-Protocol Label
24 Switching (MPLS) data packages that have been uniquely labelled using MPLS for
25 further identification as MPLS labelled data packages," as claimed in claim 4 of the
26 '898 patent. One or more private data streams received by AT&T's OLTs have been
27 virtually separated using VRF. These virtually separated private data streams are
28 comprised of pre-appended anti-spoofing MPLS labels per the RFC 4381 Standard's

1 Section 3.4, titled Label Spoofing. The CE router and all other devices, including the
2 PON, receive and pass IP packets, without recognizing in them the pre-appended
3 MPLS label or interfering with the MPLS label. VRF is used to generate virtually
4 separate private data streams in accordance with the RFC 4364 Standard and its
5 supporting RFC 4381 Standard and RFC 4382 Standard. Each PE router maintains a
6 separate Virtual, Routing and Forwarding instance (VRF) for each connected VPN.
7 A VRF includes the addresses of that VPN as well as the addresses of the PE routers
8 with which the CE routers are peering. All addresses of a VRF, including these PE
9 addresses, belong logically to the VPN and are accessible from the VPN.

10 15. The step practiced by AT&T includes that “said at least one virtually
11 separated private data stream including said MPLS labelled data packages is intended
12 for at least one of a plurality of ONUs, and wherein said at least one of a plurality of
13 ONUs serves at least one of a plurality of private user devices” as claimed in claim 4
14 of the ‘898 patent. This step is performed by AT&T because a virtually separated
15 private data stream intended for a specific subscriber of AT&T is sent to its associated
16 OLT and placed within a common data feed. The OLT sends that common data feed
17 to its ONUs via its associated optical splitters. The ONU that services the subscriber
18 for which the virtually separated private data stream was intended strips it out of the
19 common data feed and makes it available to such subscriber.

20 16. AT&T practices the step of “aggregating within said OLT said plurality
21 of data streams and said at least one virtually separated private data stream into a
22 common data feed” as claimed in claim 4 of the ‘898 patent. AT&T’s OLTs aggregate
23 data streams, including virtually separated private data streams, and provide the
24 resulting aggregated data streams via the OLT distribution PON ports as common data
25 feeds. This step is performed by AT&T’s PON OLTs, which converge and distribute
26 to their associate splitters, data streams that can include at least one virtually separated
27 private data stream intended for a specific subscriber. A PON OLT is the main
28 headend equipment of each different variant of PON. The OLT receives data streams

1 from various services and converges those signals for distribution as a single beam of
2 light delivered via its PON ports. Each OLT can support multiple PON ports
3 depending on the capacity of its chassis. All PON variants, including those used by
4 AT&T, use PON OLTs.

5 17. AT&T practices the step of “distributing said common data feed to said
6 plurality of ONUs” as claimed in claim 4 of the ‘898 patent. This step is performed
7 by AT&T’s PONs because a common data feed including data streams that can
8 contain virtually separated private data streams intended for specific subscribers is
9 sent to multiple PON ONUs. Each active PON Port within the OLT sends its single
10 beam of light with the converged IP signal to several ONUs.

11 18. AT&T practices the step of “replicating said common data feed using at
12 least one optical splitter connected to said plurality of ONUs” as claimed in claim 4
13 of the ‘898 patent. This step is performed by AT&T’s PONs. Within all PON variants,
14 the converged signal from the PON port is replicated by an optical splitter connected
15 to a group of ONUs. For example, a 1-to-32 optical splitter can be connected to 32
16 ONUs. Such ONUs receive the same converged beam of light, with the converged IP
17 signal replicated for each ONU. Available Optical Splitter configurations can be 1-
18 to-2, 1-to-4, 1-to-8, 1-to-16, 1-to-32 and 1-to-64.

19 19. AT&T practices the step of “delivering said common data feed to said
20 plurality of ONUs” as claimed in claim 4 of the ‘898 patent. This step is performed
21 by AT&T’s PONs. Each ONU connected to an optical splitter receives the common
22 data feed carried by the converged beam of light provided by a PON port within the
23 OLT.

24 20. AT&T practices the step of “extracting within said at least one of said
25 plurality of ONUs, said at least one virtually separated private data stream including
26 said MPLS labelled data packages from said common data feed” as claimed in claim
27 4 of the ‘898 patent. This step is performed by AT&T’s PONs. Each ONU extracts
28 from its common data feed the private data stream information to be received by the

1 subscriber associated with that ONU.

2 21. AT&T practices the step of “sending said at least one virtually separated
3 private data stream including said MPLS labelled data packages from said at least one
4 of said plurality of ONUs to said at least one of a plurality of private user devices” as
5 claimed in claim 4 of the ‘898 patent. This step is performed by AT&T’s PONs. Each
6 ONU sends the IP data packages of the virtually separated private data stream
7 intended for one or more specific subscribers to those subscribers.

8 22. AT&T has infringed, and is infringing, at least Claims 5 and 8 of the
9 ‘142 patent in this Judicial District and elsewhere in the United States by making,
10 using, offering to sell and selling AT&T PON-based high-speed Fiber services to
11 businesses and to subscribers. AT&T performs all of the steps of at least Claims 5
12 and 8 of the ‘142 patent when AT&T provides AT&T PON-based high-speed Fiber
13 services to its customers.

14 23. AT&T practices a “digital network communication method” as claimed
15 in Claim 5 of the ‘142 patent. AT&T was using the claimed method by the time the
16 ‘142 patent issued. AT&T is an ISP that, to satisfy critical information security
17 considerations and information speed demands of its subscribers, performs each of
18 the steps of the claimed method using virtually separated private data streams
19 provided to AT&T by service providers or generated by AT&T itself, and sent
20 through AT&T’s PONs to the intended AT&T subscribers.

21 24. AT&T practices the step of “receiving from at least one passive optical
22 network (PON) interface router out of a plurality of PON interface routers at a PON
23 optical line terminal (OLT), at least one private data stream out of a plurality of data
24 streams” as claimed in Claim 5 of the ‘142 patent. AT&T provides IP-based services
25 to its subscribers using PONs. Those services can include digitized voice, video and
26 data information. Publicly available information and the PON-based services
27 advertised by AT&T show AT&T’s use of PONs. The advertised speeds available
28 via AT&T’s PON networks convey Virtual Private Networks (VPNs). The PONs

1 used by AT&T provide subscribers with competitive data speeds. Each PON
2 includes an OLT and one or more passive optical splitters that connect the OLT to
3 several ONUs. An OLT can receive private data streams directly from a PON
4 interface router, or indirectly via a network aggregation switch connected between
5 one or more PON interface routers and the OLT. Data streams that include private
6 data streams are sent to an OLT, which creates one or more identical distribution
7 feeds. The private data streams are intended for a specific subscriber. AT&T's OLTs
8 receive from their associated PON interface routers virtually separate private IP data
9 streams to deliver various services intended for specific subscribers.

10 25. The step practiced by AT&T includes that "said at least one private data
11 stream has been virtually separated using Virtual Routing and Forwarding (VRF) to
12 form at least one virtually separated private data stream comprised of Internet
13 Protocol (IP) data packages" as claimed in claim 5 of the '142 patent. One or more
14 private data stream received by AT&T's OLTs have been virtually separated using
15 VRF. These virtually separated data streams are comprised of IP data packages. VRF
16 is used to generate virtually separate private data streams in accordance with the RFC
17 4364 Standard and its supporting RFC 4381 Standard and RFC 4382 Standard –
18 MPLS/BGP Layer 3 VPN Management Information Base. In further support of VRF
19 and the private data streams VRF creates, RFC 4381 Standard, Section 3.1 – Address
20 Space, Routing, and Traffic Separation, Page 6 states:

21 "BGP/MPLS allows distinct IP VPNs to use the same address space,
22 which can also be private address space (RFC 1918 [2]). This is achieved by
23 adding a 64-bit Route Distinguisher (RD) to each IPv4 route, making VPN-
24 unique addresses also unique to the MPLS core. This 'extended' address is also
25 called a 'VPN-IPv4 address.'" Thus, customers of a BGP/MPLS IP VPN
26 service do not need to change their current addressing plan.

27 "Each PE router maintains a separate Virtual, Routing and Forwarding
28 instance (VRF) for each connected VPN. A VRF includes the addresses of that

1 VPN as well as the addresses of the PE routers with which the CE routers are
2 peering. All addresses of a VRF, including these PE addresses, belong logically
3 to the VPN and are accessible from the VPN....”

4 26. The step practiced by AT&T includes that “said at least one virtually
5 separated private data stream including said IP data packages is intended for at least
6 one of a plurality of ONUs, and wherein said at least one of a plurality of ONUs serves
7 at least one private user device of a plurality of user devices” as claimed in claim 5 of
8 the ‘142 patent. This step is performed by AT&T because a virtually separated private
9 data stream intended for a specific subscriber of AT&T is sent by the OLT that
10 receives it to the ONUs that such OLT provisions via its associated optical splitters.
11 The ONU that services the subscriber for which the virtually separated private data
12 stream was intended strips it out of the common data feed and makes it available to
13 such subscriber.

14 27. AT&T practices the step of “aggregating within said OLT said plurality
15 of data streams and said at least one virtually separated private data stream into a
16 common data feed” as claimed in claim 5 of the ‘142 patent. AT&T’s OLTs aggregate
17 data streams, including virtually separated private data streams, and provide the
18 resulting aggregated data streams via the OLT distribution PON ports as common data
19 feeds. This step is performed by AT&T’s PON OLTs, which converge and distribute
20 to their associated splitters data streams that can include at least one virtually
21 separated private data stream intended for a specific subscriber. A PON OLT is the
22 main headend equipment of each different variant of PON. The OLT receives data
23 streams from various services and converges those signals for distribution as a single
24 beam of light delivered via its PON ports. Each OLT can support multiple PON ports
25 depending on the capacity of its chassis. All PON variants, including those used by
26 AT&T, use PON OLTs.

27 28. AT&T practices the step of “distributing said common data feed to said
28 plurality of ONUs,” as claimed in claim 5 of the ‘142 patent. This step is performed

1 by AT&T's PONs because a common data feed including data streams that can
2 contain virtually separated private data streams intended for specific subscribers is
3 sent to multiple PON ONUs. Each active PON Port within the OLT sends its single
4 beam of light with the converged IP signal to several ONUs.

5 29. AT&T practices the step of "replicating said common data feed using at
6 least one optical splitter connected to said plurality of ONUs" as claimed in claim 5
7 of the '142 patent. This step is performed by AT&T's PONs. Within all PON variants,
8 the converged signal from the PON port is replicated by an optical splitter connected
9 to a group of ONUs. For example, a 1-to-32 optical splitter can be connected to 32
10 ONUs. Such ONUs receive the same converged beam of light, with the converged IP
11 signal replicated for each ONU.

12 30. AT&T practices the step of "delivering said common data feed to said
13 plurality of ONUs" as claimed in claim 5 of the '142 patent. This step is performed
14 by AT&T's PONs. Each ONU connected to an optical splitter receives the common
15 data feed carried by the converged beam of light provided by a PON port within the
16 OLT.

17 31. AT&T practices the step of "extracting within said at least one of said
18 plurality of ONUs, said at least one virtually separated private data stream including
19 said IP data packages from said common data feed" as claimed in claim 5 of the '142
20 patent. This step is performed by AT&T's PONs. Each ONU extracts from its
21 common data feed the private data stream information to be received by a subscriber
22 associated with that ONU.

23 32. AT&T practices the step of "sending said at least one virtually separated
24 private data steam including said IP data packages from said at least one of said
25 plurality of ONUs to said at least one of a plurality of private user devices" as claimed
26 in claim 5 of the '142 patent. This step is performed by AT&T's PONs. Each ONU
27 sends the IP data packages of the virtually separated private data stream intended for
28 one or more specific subscribers to those subscribers.

1 33. AT&T has infringed, and is infringing, at least Claim 8 of the ‘142 patent
2 in this Judicial District and elsewhere in the United States by making, using, offering
3 to sell and selling AT&T PON-based high-speed Fiber services to businesses and to
4 subscribers. AT&T performs all of the steps of Claim 8 of the ‘142 patent when
5 AT&T provides AT&T PON-based high-speed Fiber services to its customers.

6 34. AT&T practices a “digital network communication method” as claimed
7 in Claim 8 of the ‘142 patent. AT&T’s use of the claimed method began before the
8 ‘142 patent issued. AT&T is an ISP that, to satisfy critical information security
9 considerations and information speed demands of its subscribers, performs each of
10 the steps of the claimed method using virtually separated private data streams
11 provided to AT&T by service providers or generated by AT&T itself, and sent
12 through AT&T’s PONs to the intended AT&T subscribers.

13 35. AT&T practices the step of “receiving at a passive optical network
14 (PON) optical line terminal (OLT), at least one private data stream out of a plurality
15 of data streams,” as claimed in Claim 8 of the ‘142 patent. AT&T uses PONs to
16 provide the data speeds of AT&T PON-based high-speed Fiber services. Each PON
17 includes an OLT and one or more passive optical splitters that connect the OLT to
18 several ONUs. AT&T’s PON OLT receives one or more private data streams to
19 provide to one or more end users within AT&T’s PON network. Data streams that
20 include private data streams are sent to an OLT, which creates one or more identical
21 distribution feeds. The private data streams are intended for specific end users within
22 AT&T’s PON network.

23 36. The step practiced by AT&T includes that “said at least one private data
24 stream has been virtually separated using Virtual Routing and Forwarding (VRF) to
25 form at least one virtually separated private data stream comprised of Internet
26 Protocol (IP) data packages” as claimed in claim 8 of the ‘142 patent. One or more
27 private data streams received by AT&T’s OLTs have been virtually separated using
28 VRF. The virtually separated data streams are comprised of IP data packages.

1 37. The step practiced by AT&T includes that “said at least one virtually
2 separated private data stream including said IP data packages is intended for at least
3 one of a plurality of ONUs, and wherein said at least one of a plurality of ONUs serves
4 at least one private user device of a plurality of user devices” as claimed in claim 8 of
5 the ‘142 patent. This step is performed by AT&T because a virtually separated private
6 data stream, intended for a specific subscriber of AT&T, is sent by the OLT that
7 receives it to the ONUs that such OLT provisions via its associated optical splitters.
8 The ONU that services the subscriber for which the virtually separated private data
9 stream was intended strips it out of the common data feed and makes it available to
10 such subscriber.

11 38. AT&T practices the step of “aggregating within said OLT said plurality
12 of data streams and said at least one virtually separated private data stream into a
13 common data feed” as claimed in claim 8 of the ‘142 patent. AT&T’s OLTs aggregate
14 data streams, including virtually separated private data streams, and provide the
15 resulting aggregated data streams via the OLT distribution PON ports as common data
16 feeds. This step is performed by AT&T’s PON OLTs, which converge and distribute
17 to their associated splitters data streams that can include at least one virtually
18 separated private data stream intended for specific subscriber. A PON OLT is the
19 main headend equipment of each different variant of PON. The OLT receives data
20 streams from various services and converges those signals for distribution as a single
21 beam of light delivered via its PON ports. Each OLT can support multiple PON ports
22 depending on the capacity of its chassis. All PON variants, including those used by
23 AT&T, use PON OLTs.

24 39. AT&T practices the step of “distributing said common data feed to said
25 plurality of ONUs” as claimed in claim 8 of the ‘142 patent. This step is performed
26 by AT&T’s PONs because a common data feed including data streams that can
27 contain virtually separated private data streams intended for specific subscribers is
28 sent to multiple PON ONUs. Each active PON Port within the OLT sends its single

1 beam of light with the converged IP signal to several ONUs.

2 40. AT&T practices the step of “replicating said common data feed using at
3 least one optical splitter connected to said plurality of ONUs” as claimed in claim 8
4 of the ‘142 patent. This step is performed by AT&T’s PONs. Within all PON variants,
5 the converged signal from the PON port is replicated by an optical splitter connected
6 to a group of ONUs. For example, a 1-to-32 optical splitter can be connected to 32
7 ONUs. Such ONUs receive the same converged beam of light, with the converged IP
8 signal replicated for each ONU.

9 41. AT&T practices the step of “delivering said common data feed to said
10 plurality of ONUs” as claimed in claim 8 of the ‘142 patent. This step is performed
11 by AT&T’s PONs. Each ONU connected to an optical splitter receives the common
12 data feed carried by the converged beam of light provided by a PON port within the
13 OLT.

14 42. AT&T practices the step of “extracting within said at least one of said
15 plurality of ONUs, said at least one virtually separated private data stream including
16 said IP data packages from said common data feed” as claimed in claim 8 of the ‘142
17 patent. This step is performed by AT&T’s PONs. Each ONU extracts from its
18 common data feed the private data stream information to be received by a subscriber
19 associated with that ONU.

20 43. AT&T practices the step of “sending said at least one virtually separated
21 private data steam including said IP data packages from said at least one of said
22 plurality of ONUs to said at least one of a plurality of private user devices” as claimed
23 in claim 8 of the ‘142 patent. This step is performed by AT&T’s PONs. Each ONU
24 sends the IP data packages of the virtually separated private data stream intended for
25 one or more specific subscribers to those subscribers.

26 44. On information and belief, AT&T’s infringement has been, and is,
27 willful and deliberate. On information and belief, AT&T has been aware of the ‘898
28 and ‘142 patents since at least May 30, 2024, and has continued to provide its AT&T

1 PON-based high-speed Fiber services that infringes the '898 patent and the '142
2 patent.

3 45. SPADA has been suffering, and will continue to suffer damages, as a
4 result of AT&T's infringing acts, and will suffer further irreparable injury unless
5 AT&T is enjoined from infringing the '898 patent and the '142 patent.

6 COUNT I

7 (Infringement of '898 Patent)

8 46. SPADA realleges and incorporates by reference the allegations set forth
9 in paragraphs 1-45 above.

10 47. AT&T has directly infringed and continues to directly infringe, literally
11 and/or under the doctrine of equivalents, one or more claims of the '898 patent,
12 including but not limited to Claim 4 of the '898 patent, by making, using, offering to
13 sell, or selling infringing AT&T PON-based high-speed Fiber services in violation of
14 35 U.S.C. § 271.

15 48. As a result of AT&T's infringement of the '898 patent, SPADA has suffered
16 monetary damages, and seeks recovery in an amount adequate to compensate for
17 AT&T's infringement, but in no event less than a reasonable royalty for the use made
18 of the invention by AT&T, together with interest and costs as fixed by the Court.

19 COUNT II

20 (Infringement of '142 Patent)

21 49. SPADA realleges and incorporates by reference the allegations set forth
22 in paragraphs 1-45 above.

23 50. AT&T has directly infringed and continues to directly infringe, literally
24 and/or under the doctrine of equivalents, one or more claims of the '142 patent,
25 including but not limited to Claims 5 and 8 of the '142 patent, by making, using,
26 offering to sell or selling infringing AT&T PON-based high-speed Fiber services in
27 violation of 35 U.S.C. § 271.

28 51. As a result of AT&T's infringement of the '142 patent, SPADA has

1 suffered monetary damages, and seeks recovery in an amount adequate to compensate
2 for AT&T's infringement, but in no event less than a reasonable royalty for the use
3 made of the invention by AT&T, together with interest and costs as fixed by the Court.

4
5 PRAYER FOR RELIEF

6 WHEREFORE, plaintiff SPADA requests that this Court enter a judgment:

7 A. That SPADA is the owner of all right, title and interest in and to U.S.
8 patent 11,070,898. together with all rights of recovery under the '898 patent;

9 B. That SPADA is the owner of all right, title and interest in and to U.S.
10 patent 11,589,142. together with all rights of recovery under the '142 patent;

11 C. That AT&T has infringed and is infringing at least one claim of the '898
12 patent;

13 D. That AT&T has infringed and is infringing at least one claim of the '142
14 patent;

15 E. That 'the '898 patent is valid and enforceable in law;

16 F. That 'the '142 patent is valid and enforceable in law;

17 G. Awarding to SPADA its damages caused by AT&T's infringement,
18 together with prejudgment and post-judgment interest;

19 H. That AT&T's infringement is and has been willful and damages be
20 trebled pursuant to 35 U.S.C. § 284;

21 I. That this is an exceptional case and awarding to SPADA its costs,
22 expenses and reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

23 J. Permanently enjoining AT&T and its officers, directors, agents,
24 servants, affiliates, employees, divisions, branches, subsidiaries, parents and all others
25 acting in active concert therewith from infringement of the '898 patent or the '142
26 patent; and

27 K. Awarding to SPADA such other and further relief as this Court may
28 deem just and proper.

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

Dated: August 7, 2024

Respectfully submitted,

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