

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

FAR NORTH PATENTS, LLC,

Plaintiff,

v.

BROADCOM PTE. LTD., BROADCOM
CORP., and CA INC. d/b/a CA
TECHNOLOGIES,

Defendants.

CIVIL ACTION NO. 4:19-cv-939

ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Far North Patents, LLC (“Far North Patents” or “Plaintiff”) files this original complaint against Defendants Broadcom Pte. Ltd., Broadcom Corp., and CA Inc. d/b/a CA Technologies (“Broadcom” or “Defendants”), alleging, based on its own knowledge as to itself and its own actions and based on information and belief as to all other matters, as follows:

PARTIES

1. Far North Patents is a limited liability company formed under the laws of the State of Texas, with its principal place of business at 18383 Preston Rd Suite 250, Dallas, Texas, 75252.
2. Defendant Broadcom Pte. Ltd. is a corporation organized and existing under the laws of Singapore, with a place of business at 1 Yishun Avenue 7, Singapore 768923.
3. Defendant Broadcom Corp. is a corporation organized and existing under the laws of California. Broadcom Corp. may be served through its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporated Service Company, at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

4. Defendant CA Inc. d/b/a CA Technologies is a corporation organized and existing under the laws of Delaware. CA Inc. d/b/a CA Technologies may be served through its registered agent, the Corporation Trust Company, at Corporation Trust Center 1209 Orange St., Wilmington, DE 19801.

5. The Defendants identified in paragraphs 2-4 above (collectively, “Broadcom”) are companies which together comprise one of the world’s largest entities specializing in communications technologies and integrated circuits.

6. The Broadcom defendants named above are part of the same corporate structure and distribution chain for the making, importing, offering to sell, selling, and/or using of the accused devices in the United States, including in the State of Texas generally and this judicial district in particular.

7. The Broadcom defendants named above share the same management, common ownership, advertising platforms, facilities, distribution chains and platforms, and accused product lines and products involving related technologies.

8. Thus, the Broadcom defendants named above operate as a unitary business venture and are jointly and severally liable for the acts of patent infringement alleged herein.

JURISDICTION AND VENUE

9. This is an action for infringement of United States patents arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

10. This Court has personal jurisdiction over Broadcom pursuant to due process and/or the Texas Long Arm Statute because, *inter alia*, (i) Broadcom has done and continues to do business in Texas; and (ii) Broadcom has committed and continues to commit acts of patent

infringement in the State of Texas, including making, using, offering to sell, and/or selling accused products in Texas, and/or importing accused products into Texas, including by Internet sales and sales via retail and wholesale stores, inducing others to commit acts of patent infringement in Texas, and/or committing a least a portion of any other infringements alleged herein. In addition, or in the alternative, this Court has personal jurisdiction over Broadcom Pte. Ltd. pursuant to Fed. R. Civ. P. 4(k)(2).

11. Venue is proper as to Defendant Broadcom Pte. Ltd., which is organized under the laws of Singapore. 28 U.S.C. § 1391(c)(3) provides that “a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.”

12. Venue as to Broadcom Corp. and CA Inc. d/b/a CA Technologies pursuant to 28 U.S.C. § 1400(b). Venue is further proper because Broadcom Corp. and CA Inc. d/b/a CA Technologies have committed and continue to commit acts of patent infringement in this district, including making, using, offering to sell, and/or selling accused products in this district, and/or importing accused products into this district, including by Internet sales and sales via retail and wholesale stores, inducing others to commit acts of patent infringement in this district, and/or committing at least a portion of any other infringements alleged herein in this district. Broadcom Corp. and CA Inc. d/b/a CA Technologies also have a regular and established place of business in this district, including at 5465 Legacy Dr., Suite 700, Plano, TX 75024 (as shown in the below screenshots from Broadcom’s website and from Google Maps Street View).

https://www.broadcom.com/company/contact

Breinigsville, Pennsylvania 18031 United States GET DIRECTIONS	Suite 104 and 106, Building No. 49 Lancaster, Pennsylvania 17601 United States GET DIRECTIONS	Pittsburgh, Pennsylvania 15220 United States GET DIRECTIONS	Austin, Texas 78746 United States GET DIRECTIONS
Plano 5465 Legacy Drive, Plano, TX 75024-3106 Plano, Texas 75024 United States GET DIRECTIONS	Plano, TX CA Technologies 5465 Legacy Dr, Suite 700 Plano, Texas 75024 United States Send Email GET DIRECTIONS	Herndon 2291 Wood Oak Drive, Herndon, VA 20171-2823 Herndon, Virginia 20171 United States GET DIRECTIONS	Bellevue 14475 NE 24th St, Ste 210, Bellevue, WA 98007 Bellevue, Washington 98007 United States GET DIRECTIONS



BACKGROUND

13. The patents-in-suit generally pertain to communications networks and other technology used in the provision of wireless services, Voice over Internet Protocol (“VoIP”) phone systems, high speed networking, and other advanced communication services. The technology disclosed by the patents was developed by personnel at MCI WorldCom (“WorldCom”) and Path1 Network Technologies Inc. (“Path1 Network Technologies”).

14. WorldCom was a leading telecommunications service provider in the late 1990s and early 2000s. Verizon acquired WorldCom in 2005. The patents developed at WorldCom (“the Hardy patents”) are related to Quality of Service (“QoS”) evaluation in telecommunications systems.

15. The inventor of the Hardy patents, former principal analyst for quality measurement and analyses at WorldCom Dr. William C. Hardy, was at the forefront of QoS in telecommunications systems. Dr. Hardy developed, disclosed, and patented a solution for efficiently and consistently evaluating QoS. In fact, Dr. Hardy literally wrote the book on QoS in telecommunications systems. *See Hardy, William C., QoS Measurement and Evaluation of Telecommunications Quality of Service (Wiley 2001).*

16. Dr. Hardy has received considerable praise for his work in QoS. Luis Sousa Cardoso, Quality of Service Development Group Chairman, left little doubt regarding the esteem with which he holds Dr. Hardy: “William C. ‘Chris’ Hardy is unquestionably among the leading lights in the field of QoS[.]” Dr. Hardy’s book was reviewed in *IEEE Communications Magazine*, Vol. 40, No. 2, Feb. 2002, which stated that the book “provides a straightforward and very accessible approach to measurement and evaluation of QoS in telecommunications networks...strongly recommended for all people, either experiences professionals or graduates, involved in the area of networking[.]” He is even an honorary member of the Russian Academy of Science.

17. The Hardy patents (or the applications leading to them) have been cited during patent prosecution hundreds of times, by numerous leading companies in the computer networking and telecommunications industries industry, including Adtran, Alcatel-Lucent, Arris, AT&T, Avaya, Cisco, Deutsche Telekom (T-Mobile), Dolby Laboratories Licensing

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