

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

FAR NORTH PATENTS, LLC,

Plaintiff,

v.

MARVELL INTERNATIONAL, LTD. and
MARVELL TECHNOLOGY GROUP
LTD.,

Defendants.

CIVIL ACTION NO. 4:19-cv-941

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 Marvell International, Ltd. and Marvell Technology Group Ltd. (“Marvell” 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 Marvell International, Ltd. is a company organized under the laws of Bermuda. Marvell has an office at Canon’s Court, 22 Victoria Street, Hamilton, HM 12, Bermuda.
3. Marvell Technology Group Ltd. is a company organized under the laws of Bermuda. Marvell has its corporate headquarters at Canon’s Court, 22 Victoria Street, Hamilton, HM 12, Bermuda.

4. The Defendants identified in paragraphs 2-3 above (collectively, “Marvell”) are companies which together comprise one of the world’s largest manufacturers of integrated circuits.

5. The Marvell 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.

6. The Marvell 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.

7. Thus, the Marvell 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

8. 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).

9. According to a complaint that it filed in the United States International Trade Commission (“ITC”), Marvell International, Ltd. “conducts significant domestic industry activities in the United States” including “MIL’s significant investment in plant and equipment” and “significant employment of labor and capital.” Specifically, the complaint alleged that “MIL has contracted with MSI [a domestic Marvell affiliate] to conduct research and development,” “MIL has significantly invested in U.S.-based plant and equipment used in research and development,” “MIL, through MSI, has employed and continues to employ a significant number

of employees in U.S. facilities that devote substantial man-hours toward research and development,” and “MIL has also invested and continues to invest significantly in U.S.-based research and development and engineering.”

10. In that case before the ITC, Marvell International, Ltd. moved for, and was granted, summary determination that Marvell International, Ltd. “satisfied the economic prong of the domestic industry requirement.”

11. According to its website, “Marvell Technology Group Ltd. has operations worldwide and more than 7,000 employees,” “has international design centers located in China, Europe, Hong Kong, India, Israel, Japan, Malaysia, Singapore, Taiwan and the U.S.,” and “ships over one billion chips a year.”

12. According to its press releases, Marvell Technology Group, Ltd. has worldwide control over the existence of Marvell R&D programs and their level of funding, as well as over the existence and operation of Marvell R&D facilities.

13. During the six years preceding the filing of the original complaint in this case, Marvell Technology Group, Ltd. and Marvell International, Ltd. operated and/or funded a design center in Austin that supported their efforts to create, test, and market the accused products.

14. This Court has personal jurisdiction over Marvell pursuant to due process and/or the Texas Long Arm Statute because, *inter alia*, (i) Marvell has done and continues to do business in Texas; and (ii) Marvell 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 Marvell pursuant to Fed. R. Civ. P. 4(k)(2).

15. Venue is proper as to Defendants Marvell International, Ltd. and Marvell Technology Group Ltd., which are organized under the laws of Bermuda. 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.”

BACKGROUND

16. 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 Path1 Network Technologies Inc. (“Path1 Network Technologies”).

17. Path1 Network Technologies is a provider of video over IP services and solutions. The patents developed at Path1 Network Technologies (“the Fellman patents”) relate to providing service guarantees for time sensitive signals in computer networks. The inventors of these patents include Dr. Ronald D. Fellman and Dr. Rene L. Cruz. Drs. Fellman and Cruz, both former professors of electrical and computer engineering at the University of California at San Diego, were pioneers in network technology. Dr. Fellman was an IEEE Senior Member, and his work was published in several IEEE Transactions journals, including IEEE Transactions on Networking, IEEE Transactions on Parallel and Distributed Systems, IEEE Transactions on Systems, Man, and Cybernetics, IEEE Transactions on Signal Processing, IEEE Transactions on Very Large Scale Integration (VLSI) Systems, IEEE Transactions on Acoustics, Speech and

Signal Processing. He was also a co-founder of Path1 Network Technologies and of Qvidium Technologies. Dr. Cruz, a distinguished scholar in the field of communication networks, was said to have established the field of Network Calculus. In Dr. Cruz's election to be a Fellow of the IEEE in 2003, he was "cited for his expertise in the area of Quality-of-Service guarantees in packet-switched networks."

http://jacobsschool.ucsd.edu/news/news_releases/release.sfe?id=1385.

18. The Fellman 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, including ABB Research, AMD, Amazon, AT&T, Atheros Communications, Avaya, Bose, Broadcom, Canon, Centurylink, Chi Mei Optoelectronics, Ciena, Cox Communications, Dell, F5 Networks, Fujitsu, Hitachi, Honeywell, Intel, IBM, Lucent, Lutron, Microsoft, National Instruments, National Semiconductor, NEC, Nortel Networks, Oceaneering, Phillips, Qualcomm, Robert Bosch, Samsung, Siemens, Sonos, Sony, Symantec, Texas Instruments, Toshiba, Ubiquiti Networks, Verizon, and Viasat.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,306,053

19. On November 6, 2012, United States Patent No. 8,306,053 ("the '053 Patent") was duly and legally issued by the United States Patent and Trademark Office for an invention entitled "Methods and Apparatus for Providing Quality-of-Service Guarantees in Computer Networks."

20. Far North Patents is the owner of the '053 Patent, with all substantive rights in and to that patent, including the sole and exclusive right to prosecute this action and enforce the '053 Patent against infringers, and to collect damages for all relevant times.

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