

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

FAR NORTH PATENTS, LLC,

Plaintiff,

v.

MITEL NETWORKS CORPORATION,
and MITEL NETWORKS, INC.,

Defendants.

CIVIL ACTION NO. 4:19-cv-942

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 Mitel Networks Corporation and Mitel Networks, Inc., (collectively “Mitel” 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 Mitel Networks Corporation is a corporation organized and existing under the laws of Canada, with a place of business at 350 Legget Dr., Kanata, ON K2K 2W7.
3. Defendant Mitel Networks, Inc. is a corporation organized and existing under the laws of Delaware. Mitel maintains a regional office in the Eastern District of Texas located at either or both of 5360 Legacy Drive, Suite 300, Plano, TX 75024-3130 or 5850 Granite Pkwy,

Suite 600, Plano, TX 75024. Mitel Networks, Inc. may be served through its registered agent, CT Corporation System, at 1999 Bryan Street, Suite 900, Dallas, TX 75201.

4. The Defendants identified in paragraphs 2-3 above (collectively, “Mitel”) are companies which together comprise one of the world’s largest entities specializing in communications technologies.

5. The Mitel 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 Mitel 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 Mitel 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. This Court has personal jurisdiction over Mitel pursuant to due process and/or the Texas Long Arm Statute because, *inter alia*, (i) Mitel has done and continues to do business in Texas; (ii) Mitel 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, and (iii) Mitel Networks, Inc. is registered to do business in Texas. In addition, or in the alternative, this Court has personal jurisdiction over Mitel Networks Corporation pursuant to Fed. R. Civ. P. 4(k)(2).

10. Venue is proper as to Defendant Mitel Networks Corporation, which is organized under the laws of Canada. 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.”

11. Venue is proper in this district as to Mitel Networks, Inc. pursuant to 28 U.S.C. § 1400(b). Venue is further proper because Mitel has committed and continues 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. Mitel also has regular and established places of business in this district, including at either or both of 5360 Legacy Drive, Suite 300, Plano, TX 75024-3130 or 5850 Granite Pkwy, Suite 600, Plano, TX 75024 (as shown in the below screenshots from Mitel’s website, <https://www.mitel.com/contact/locations/texas-plano> and from a search of the Collin CAD site).

TEXAS-PLANO

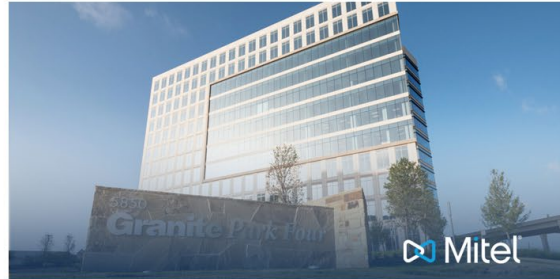
Address

5360 Legacy Drive Suite 300
 Plano, TX 75024-3130
 United States
[Get Directions >](#)

Phone: [+1 469 574 8000](tel:+14695748000)

Hours

Monday 8AM-5PM
 Tuesday 8AM-5PM
 Wednesday 8AM-5PM
 Thursday 8AM-5PM
 Friday 8AM-5PM
 Saturday Closed
 Sunday Closed



7	2681973 P-9000-213-1167-1	MITEL NETWORKS INC	5850 Granite Pkwy #00600 Plano, TX 75024	BPP at 5850 Granite Pkwy	\$3,364,830
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BACKGROUND

12. 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”), Path1 Network Technologies Inc. (“Path1 Network Technologies”), Robelight LLC (“Robelight”), and BellSouth Corporation (“BellSouth”).

13. 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.

14. 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).*

15. 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.

16. 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 Corporation, Empirix, Ericsson, Genband, General Electric, IBM, Juniper, Microsoft, Motorola, NEC, Oracle, Panasonic, Ringcentral, Sharp, Siemens, Sprint, USAA, and Verizon.

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

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