

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

FAR NORTH PATENTS, LLC,

Plaintiff,

v.

NEC CORPORATION,

Defendant.

CIVIL ACTION NO. 4:19-cv-943

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 Defendant NEC Corporation (“NEC” or “Defendant”), 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 NEC Corporation is a corporation organized and existing under the laws of Japan, with a place of business at 7-1, Shiba 5-chrome, Minato-ku, Tokyo 108-8001, Japan.

JURISDICTION AND VENUE

3. 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).

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

5. Venue is proper as to Defendant NEC Corporation, which is organized under the laws of Japan. 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

6. 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”).

7. 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.

8. 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).*

9. 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.

10. 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.

11. 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.

12. 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.

13. The patents developed at Robelight (“the Light patents”) relate to obtaining presence information over a network. Inventors Elliot D. Light and Jon L. Roberts are named inventors on over 30 patents combined. The Light patents (or the applications leading to them) have been cited during patent prosecution over a hundred times, by numerous leading companies in the computer networking and telecommunications industries, including Alcatel-Lucent, Apple, AT&T, Avaya, Google, LG Electronics, Nortel Networks, Qualcomm, Rockstar Consortium, SAP, Shoretel, Vonage, and ZTE.

14. BellSouth, founded in 1983 as one of the seven original Regional Bell Operating Companies after the breakup of AT&T, was a giant in the telecommunications industry. BellSouth was active in both broadband and wireless, operating in the southern United States as well as in Argentina, Australia, Chile, Colombia, Ecuador, Guatemala, New Zealand, Nicaragua, Panama, Peru, Uruguay, and Venezuela. BellSouth was acquired by AT&T in 2006 for approximately \$86 billion.

15. The patents developed at BellSouth (“the Easley patents”) relate to providing a calling name service for mobile phones. Larry Scott Easley, the inventor of the Easley patents, was a prolific inventor for BellSouth—he was a named inventor on ten United States Patents. The Easley patents (or the applications leading to them) have been cited during patent prosecution over a hundred times, by numerous leading companies in the computer networking and telecommunications industries, including Alcatel-Lucent, AT&T, Ericsson, Genesys, Lucent, Nortel Networks, Siemens, Sprint, and Sybase 365.

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