

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

RAMOT AT TEL AVIV UNIVERSITY LTD.,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

C.A. No. 2:14-cv-1018

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Ramot at Tel Aviv University Ltd. (“Ramot” or “Plaintiff”), for its Complaint against Cisco Systems, Inc. (“Cisco” or “Defendant”), demands a trial by jury and alleges as follows:

NATURE OF ACTION

1. This is an action for infringement of U.S. Patent Nos. 8,044,835 (“the ’835 patent”) and 8,797,198 (“the ’198 patent”) (collectively, the “Patents-in-Suit”). Both Patents-in-Suit are based on the inventions of Yossef Ehrlichman, Ofer Amrani, and Shlomo Ruschin.

PARTIES

2. Ramot is a limited liability company organized under the laws of Israel with its principal place of business at Tel Aviv University, Senate Building, George Wise Street, Tel Aviv, Israel.

3. Ramot is Tel Aviv University’s (“TAU”) technology transfer company and acts as TAU’s liaison to industry, bringing the promising scientific discoveries made at the university to

the attention of the private sector. TAU was founded in 1956 and is one of Israel's foremost research and teaching universities at the forefront of basic and applied research in many scientific disciplines. Ramot provides the legal and commercial frameworks for inventions made by TAU's faculty, students, and researchers, protecting the discoveries with patents and working jointly with industry to bring scientific innovations to market.

4. Ramot manages a portfolio of more than 2,200 patents and patent applications worldwide, and approximately half have been licensed to industry for commercialization. Ramot is the owner of more than 350 United States patents and more than 300 United States patent applications.

5. Each of the inventors of the Patents-in-Suit was affiliated with TAU's School of Electrical Engineering during the relevant time period, and each of the inventors assigned his rights to the Patents-in-Suit to Ramot.

6. On information and belief, Defendant Cisco is a corporation organized under the laws of California with its principal place of business at 170 W. Tasman Dr., San Jose, CA 95134. Cisco is registered to do business in the State of Texas and has appointed the Prentice-Hall Corporation System, Inc., 211 E. 7th St., Suite 620, Austin, TX 78701 as its agent for service of process.

7. On information and belief, Cisco, the "worldwide leader in information technology," has more than 74,000 employees and 380 global sites doing business in more than 165 countries.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 1338(a).

9. Venue is proper in this District under 28 U.S.C. 1391(c) and 1400(b). Cisco has transacted business in this district and has committed acts of patent infringement in this District. Specifically, on information and belief, Cisco provided its infringing CPAK 100G portfolio products for use by the Texas Lone Star Network (“TLSN”), a consortium of 40 rural telecommunications carriers in Texas. On information and belief, TLSN members that are located in this District and/or provide services to customers within this District include Eastex Telephone Cooperative, Inc., Etex Communications, L.P., Nortex Communications, Peoples Telephone Cooperative, and Tatum Telephone (a subsidiary of Townes Tele-Communications, Inc.). On information and belief, Cisco itself is an Associate Member of the Texas Lone Star Network, and Cisco marketing materials expressly promote the Texas Lone Star Network’s adoption of the infringing Cisco CPAK 100G products for use in its network.

10. Cisco is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District. In addition to its provision of infringing Cisco products to customers within this District, Cisco operates a data center and an experience center located within this District in Allen, Texas.

THE PATENTS-IN-SUIT

11. On October 25, 2011, the United States Patent and Trademark Office duly and legally issued the ’835 patent, entitled “Linearized Optical Digital-to-Analog Modulator,” naming Yossef Ehrlichman, Ofer Amrani, and Shlomo Ruschin as inventors. A true and correct copy of the ’835 patent is attached hereto as Exhibit A.

12. Plaintiff is the owner of all right, title, and interest in the '835 patent.

13. Each claim of the '835 patent is valid and enforceable.

14. On August 5, 2014, the United States Patent and Trademark Office duly and legally issued the '198 patent, entitled "Linearized Optical Digital-to-Analog Modulator," naming Yossef Ehrlichman, Ofer Amrani, and Shlomo Ruschin as inventors. The application on which the '198 patent is based was a continuation of the application that resulted in the '835 patent. A true and correct copy of the '198 patent is attached hereto as Exhibit B.

15. Plaintiff is the owner of all right, title, and interest in the '198 patent.

16. Each claim of the '198 patent is valid and enforceable.

FACTUAL ALLEGATIONS

17. The Patents-in-Suit address a tangible need for high-performance and large bandwidth digital to analog signal conversion. The inventions described in the Patents-in-Suit relate to systems and modules containing optical modulators and, in particular, they concern linearized optical digital-to-analog modulators.

18. Upon information and belief, certain Cisco products, including but not limited to Cisco's CPAK 100G portfolio, including at least the CPAK-SR10 and CPAK-LR4 products, feature a linearized optical digital-to-analog modulator.

19. Cisco does not have a license to the Patents-in-Suit and is not otherwise authorized to practice the inventions claimed under the Patents-in-Suit.

20. Upon information and belief, Cisco has been aware of the '835 patent since at least as early as April 12, 2012, when Cisco received a non-final rejection from the United States Patent and Trademark Office which cited the '835 patent during the prosecution of U.S. Patent Application No. 12/856,144.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 8,044,835

21. Plaintiff repeats, realleges, and incorporates the allegations of paragraphs 1-20 as if set forth fully herein.

22. Cisco has infringed and is currently infringing one or more claims of the '835 patent in violation of 35 U.S.C. § 271 through its making, using, selling, offering for sale, and/or importing into the United States optical modulators, including but not limited to the CPAK 100G products.

23. Cisco's infringement has been without the express or implied license of the '835 patent.

24. Plaintiff has been damaged by Cisco's infringement of the '835 patent.

25. Cisco's infringement of the '835 patent has been, and continues to be, in willful disregard of Plaintiff's lawful rights.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 8,797,198

26. Plaintiff repeats, realleges, and incorporates the allegations of paragraphs 1-25 as if set forth fully herein.

27. Cisco has infringed and is currently infringing one or more claims of the '198 patent in violation of 35 U.S.C. § 271 through its making, using, selling, offering for sale, and/or importing into the United States optical modulators, including but not limited to the CPAK 100G products.

28. Cisco's infringement has been without the express or implied license of the '198 patent.

29. Plaintiff has been damaged by Cisco's infringement of the '198 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment:

- (a) That Cisco infringes one or more claims of the Patents-in-Suit;
- (b) That Plaintiff is entitled to monetary damages in an amount to be determined by the jury;
- (c) That Cisco's illegal activities were willful, justifying enhanced damages;
- (d) That this case is exceptional, justifying an award to the Plaintiff of attorneys' fees and costs incurred in this action, pursuant to 35 U.S.C. § 285;
- (e) Awarding Plaintiff's prejudgment interest and costs pursuant to 35 U.S.C. § 284;
and
- (f) Granting Plaintiff such other and further relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands trial by jury on all issues so triable in this case.

DATED: November 5, 2014

Respectfully submitted,

/s/ J. Thad Heartfield

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