

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

QUICKER CONNECTIONS LLC,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

Civil Action No. 24-cv-1074-JRG

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Quicker Connections LLC hereby files this First Amended Complaint for Patent Infringement and Damages against Defendant Cisco Systems, Inc., and would respectfully show the Court as follows:

PARTIES

1. Plaintiff Quicker Connections LLC (“QC” or “Plaintiff”) is a Delaware limited liability company with its principal place of business at 16192 Coastal Hwy, Lewes, DE 19958.

2. On information and belief, Defendant Cisco Systems, Inc. (“Cisco” or “Defendant”) is a corporation duly organized and existing under the laws of the State of Delaware. It has a place of business at 2250 East President George Bush Highway, Richardson, Texas 75082. Cisco may also be served with process through its registered agent, Corporation Service Company d/b/a CSC- Lawyers Incorporating Service Company, at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

3. On information and belief, Cisco directly develops, designs, manufactures, uses, distributes, markets, offers to sell and/or sells infringing products and services in the United States, including in the Eastern District of Texas, and otherwise directs infringing activities to this District

in connection with its products and services as set forth in this complaint. This includes but is not limited to Cisco's "Catalyst Passive Optical Network Series Switches," "Network Convergence System 2000 Series," "Network Convergence System 2002 Series," "Network Convergence System 2006 Series," "ONS 15454 Multiservice Transport Platform," and "ONS 15600 Multiservice Transport Platform."

JURISDICTION AND VENUE

4. This civil action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including without limitation 35 U.S.C. §§ 271, 281, 283, 284, and 285.

5. This Court has federal subject matter jurisdiction over this action pursuant to, *inter alia*, 28 U.S.C. §§ 1331, 1332, and 1338(a).

6. QC's causes of action arise, at least in part, from Defendant's contacts with and activities in this District and the State of Texas.

7. Personal jurisdiction exists generally over the Defendant because it has sufficient minimum contacts and/or has engaged in continuous and systematic activities in the forum as a result of business conducted within Texas, including in the Eastern District of Texas. This Court has personal jurisdiction over Defendant pursuant to TEX. CIV. PRAC. & REM. CODE § 17.041 *et seq.* and principles of due process. Personal jurisdiction also exists over Defendant because on information and belief each, directly or through subsidiaries, makes, uses, sells, offers for sale, imports, advertises, makes available, and/or markets products and/or services within Texas, including in the Eastern District of Texas, that infringe one or more claims of United States Patent Nos. 6,822,943, 6,834,038, 7,054,264, 7,061,859, and 7,483,399 (herein referred to as the "Patents-In-Suit" or the "QC Patents").

8. All allegations and support thereof regarding jurisdiction herein are hereby incorporated by reference for the purposes of venue.

9. Venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 1400(b). Defendant makes, uses, sells, offers to sell, and/or imports products and/or services that are accused of infringing the Patents-In-Suit into and/or within this District and has a regular and established place of business within this District.

10. Defendant has solicited business in the Eastern District of Texas, transacted business within this District, and attempted to derive financial benefit from the residents of this District, including benefits directly related to Defendant's infringement of the Patents-In-Suit.

11. On information and belief, Defendant maintains regular and established places of business at 2260 Chelsea Blvd., Allen TX 75013; 2250 East President George Bush Highway, Building 5, Richardson TX; and Cisco Building RCDN-6, Renner Pkwy & W. Renner Rd., Richardson TX 75080.

12. On information and belief, Cisco Defendant employs nearly 500 persons in the Eastern District of Texas, and approximately 1900 persons in or near the Eastern District of Texas throughout the northern portion of the Dallas-Fort Worth Metroplex, including many in positions that relate to the Patents-In-Suit. On information and belief, at least some of the personnel it employs in positions related to the Patents-In-Suit and/or Accused Products are in Defendant's Richardson and/or Allen facilities in this District, and at least as of this time last year, Defendant was actively seeking to hire additional such personnel. Further, Defendant has filed in the Marshall Division of this District multiple patent cases.

13. Venue is also proper because, on information and belief, Defendant has a regular and established place of business in this District, including facilities in Richardson, Texas and

Allen, Texas. Defendant is registered with the Secretary of State to do business in the State of Texas. Defendant also has authorized sellers and sales representatives that offer for sale and sell infringing products to consumers throughout Texas and in this District, including at least Cynergy Technology based in Tyler, Texas and Longview, Texas. On information and belief, Defendant currently operates out of or makes use of leased, work-share, co-op or other arrangements for space, offices or facilities in this District, including through its partners and/or agents.

14. For example, on information and belief, Defendant implements a comprehensive work-from-home policy under which Defendant has adopted or ratified one or more additional places of business in this District, including but not limited to the homes of employees, such that the collection of these locations constitutes an aggregate network of regular and established places in this District, in and from which business is operated. On information and belief, Defendant specifically advertises for and solicits employees to reside and work remotely in this District, including to support its customers in the District, and provides and/or stores literature, equipment and/or inventory at those locations for the purpose of enabling these employees to conduct their jobs and use such literature, equipment and/or inventory specifically in this District. On information and belief, Defendant employs service technicians and sales representatives in this District who provide support and sales services to existing Defendant's customers and prospective customers residing in this District. The work of these Defendant service technicians and sales representatives is therefore inextricably tied to this District.

15. Further, Defendant has admitted or not contested personal jurisdiction in this District. *See Orckit Corp. v. Cisco Systems, Inc.*, No. 2:22-cv-276-JRG-RSP, Dkt. 26 (E.D. Tex. Oct. 28, 2022).

16. Plaintiff has fulfilled its obligations, if any, under 35 U.S.C. § 287.

THE PATENTS-IN-SUIT

17. On November 23, 2004, United States Patent No. 6,822,943 B1 (“the ‘943 patent”), entitled “Network access multiplexer with protocol address translation,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) to Sharon Martin. A true and correct copy of the ‘943 patent is attached hereto as **Exhibit A**.

18. On December 21, 2004, United States Patent No. 6,834,038 B1 (“the ‘038 patent”), entitled “Protection against master unit failure in remote network access multiplexing,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) to David Zelig, Eli Aloni, Ron Sdayor, and Menahem Kaplan. A true and correct copy of the ‘038 patent is attached hereto as **Exhibit B**.

19. On May 30, 2006, United States Patent No. 7,054,264 B2 (“the ‘264 patent”), entitled “Interconnect and gateway protection in bidirectional ring networks,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) to Gal Mor. A true and correct copy of the ‘264 patent is attached hereto as **Exhibit C**.

20. On June 13, 2006, United States Patent No. 7,061,859 B2 (“the ‘859 patent”), entitled “Fast protection in ring topologies,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) to Yossi Barsheshet. A true and correct copy of the ‘859 patent is attached hereto as **Exhibit D**.

21. On January 27, 2009, United States Patent No. 7,483,399 B2 (“the ‘399 patent”), entitled “Signaling MPLS over RPR rings,” was duly and legally issued by the United States Patent and Trademark Office (“USPTO”) to David Zelig, Leon Bruckman, and Yoav Kotser. A true and correct copy of the ‘399 patent is attached hereto as **Exhibit E**.

22. Each of the Patents-in-Suit – the ‘943, ‘038, ‘264, ‘859, and ‘399 patents – claims patent-eligible subject matter and is presumed valid and enforceable under 35 U.S.C. §282.

23. QC is the exclusive owner by assignment of all rights, title, and interest in each of the Patents-in-Suit, including the right to bring this suit for injunctive relief and damages, and including the right to sue and recover all past, present, and future damages for infringement of the Patents-in-Suit.

24. Marking was not required under 35 U.S.C. § 287 because on information and belief, no products were sold or offered for sale in the United States by any then-current assignee of the Patents-in-Suit, including Orckit-Corrigent.

25. Even though per paragraph 24, no marking was required because no products were sold or offered for sale into the United States, Orckit-Corrigent maintained a patent marking program to ensure compliance with 35 U.S.C. § 287. Orckit-Corrigent properly affixed the label below for products in other countries:

1		2			
NO.	REV	DESCRIPTION / E.C.O	DATE	DRAWN	CHECKED
74.0^{+0.3}_{0.0} 47.9^{+0.3}_{0.0} <u>This product is protected by the following patents:</u> USA 6,891,855 USA 6,963,537 USA 7,035,279 USA 6,876,669 USA 6,952,397 USA 6,892,329B2, Israel 158,008, Europe EP1,378 096B Japan 4,167,072 Germany 60212108-6, France 1,378,096, UK 1,378,096 Spain 1,378,096, Italy 1,378,096, USA 7,054,264, USA 7,061,859 USA 7,113,485B2, USA 7,133,415B2, USA 6,973,049B2, USA 7,154,899B2 USA 7,145,878B2, USA 7,127,523, USA 7,142,516B2, USA 7,069,546 USA 6,917,986B2, USA 7,283,478, USA 7,280,560B2, USA 7,158,721B2 USA 6,957,369, USA 7,032,135, USA 7,483,399B2, USA 7,339,929B2 USA 7,283,465B2, USA 7,515,605, USA 7,420,922B2, USA 7,536,605 USA 7,386,010B2, USA 7,551,599B2, USA 7,418,000B2, USA 7,330,431B2 USA 7,478,382B2, USA 7,515,536, USA 7,545,740, USA 7,463,580B2					
<u>NOTES:</u> 1. TEXT COLOR: BLACK. BACKGROUND COLOR: SILVER. FONT – ARIAL ,SIZE– 1.5MM. <u>MATERIAL:</u> CHROME MATE POLYESTER RI-650, 0.04MM THICK, <u>ADHESIVE:</u> RI-650AP. 2. ALL MATERIALS AND FINISHES SHALL COMPLY WITH RoHS DIRECTIVE.					
PATENT LABEL GENERAL SHELF					
TOLERANCES: LINEAR ± ANGLES ± HOLES + BETWEEN ± HOLES CENTERS		FILE: YLB00095-AAA PROJ.: GENERAL SCALE: 1:1 MATERIAL: SEE NOTES		Corrigent SYSTEMS DRAWN: BENNY S. 19.10.09 DESIGNED: BENNY S. 19.10.09 CHECKED: BENNY S. 19.10.09 APPROVED: BENNY S. 19.10.09 DRAWING / P.N. YLB00095	
ROUGHNESS: ✓ DIMENSIONS ARE IN MM. ALL DIMENSIONS BEFORE COATING.		SIZE A4		NEXY ASSY: SHEET: 1 DF: 1 REV AAA	

26. On information and belief, no patents other than those listed in the label reproduced in paragraph 25 covered any of relevant products of the then-current assignee of the Patents-in-Suit including Orckit-Corrigent.

27. On information and belief, no patents other than those listed on the tag reproduced in paragraph 25 were practiced by any product sold or offered for sale anywhere by the then-current assignee of the Patents-in-Suit including Orckit-Corrigent.

28. Defendant does not have a license to any of the Patents-in-Suit, either expressly or implicitly, nor does Defendant enjoy or benefit from any rights in or to any of the Patents-in-Suit whatsoever.

29. Representative claim charts showing a sample of infringement of one claim of each of the Patents-in-Suit by the Accused Products are appended to this Complaint as Exhibits F-J.

ACCUSED PRODUCTS

30. Defendant makes, uses, sells, offers to sell, tests, designs, distributes, and/or imports into the United States high-speed networking platforms, including both software and hardware components, such as, and without limitation, Cisco Network Convergence System. Among other things, Cisco's platforms deliver agility, programmability, and massive scale across ultra-long-haul, metro, and enterprise optical networks.

31. Defendant also makes, uses, sells, offers to sell, tests, designs, distributes, and/or imports into the United States other platforms, software, and hardware, such as, and without limitation, Cisco ONS Multiservice Switching Platform and Cisco Catalyst Passive Optical Network. Among other things, Cisco ONS Multiservice Switching Platform allows the service providers to simplify their metro networks while providing complete integration of metro core and edge networks for service provisioning and network management.

32. Hereafter, the term “Accused Products” refers to all products (including but not limited to software, hardware, network architectural design) manufactured, used, tested, imported, sold or offered to sell by or on behalf of Defendant practicing the Patents-in- Suit and all processes employed by Defendant that practice the patents-in-suit, consisting of, without limitation, at least: all series of “Catalyst Passive Optical Network Series Switches,” all series of “Network Convergence System 2000 Series,” all series of “Network Convergence System 2002 Series,” all series of “Network Convergence System 2006 Series,” “ONS 15454 Multiservice Transport Platform,” and “ONS 15600 Multiservice Transport Platform,” and any other Cisco ONS Multiservice Transport Platforms.

33. Defendant has willfully infringed the ‘399 patent since the date of the Original Complaint.

COUNT I
PATENT INFRINGEMENT OF THE ‘943 PATENT

34. Plaintiff restates and realleges the preceding paragraphs of this Complaint, which are incorporated by reference as if fully restated herein.

35. Defendant, under 35 U.S.C. § 271(a), directly, literally, and/or under the doctrine of equivalents infringed one or more claims of the ‘943 patent, by making, using, testing, selling, offering for sale and/or importing into the United States Defendant’s Accused Products.

36. Defendant caused QC irreparable injury and damage by infringing one or more claims of the ‘943 patent.

37. Representative claim chart attached hereto as Exhibit F describes how the elements of an exemplary claim of the ‘943 patent is infringed by one or more of the Accused Products. This provides details regarding only one example of Defendant’s infringement, and only as to a single patent claim, and Plaintiff reserves its right to provide greater detail and scope via its Infringement

Contentions at the time required under this Court's scheduling order and as rightfully supplemented after discovery has been obtained.

COUNT II
PATENT INFRINGEMENT OF THE '038 PATENT

38. Plaintiff restates and realleges the preceding paragraphs of this Complaint, which are incorporated by reference as if fully restated herein.

39. Defendant, under 35 U.S.C. § 271(a), directly, literally, and/or under the doctrine of equivalents infringed one or more claims of the '038 patent, by making, using, testing, selling, offering for sale and/or importing into the United States Defendant's Accused Products.

40. Defendant caused QC irreparable injury and damage by infringing one or more claims of the '038 patent.

41. Representative claim chart attached hereto as Exhibit G describes how the elements of an exemplary claim of the '038 patent is infringed by one or more of the Accused Products. This provides details regarding only one example of Defendant's infringement, and only as to a single patent claim, and Plaintiff reserves its right to provide greater detail and scope via its Infringement Contentions at the time required under this Court's scheduling order and as rightfully supplemented after discovery has been obtained

COUNT III
PATENT INFRINGEMENT OF THE '264 PATENT

42. Plaintiff restates and realleges the preceding paragraphs of this Complaint, which are incorporated by reference as if fully restated herein.

43. Defendant, under 35 U.S.C. § 271(a), directly, literally, and/or under the doctrine of equivalents infringed one or more claims of the '264 patent, by making, using, testing, selling, offering for sale and/or importing into the United States Defendant's Accused Products.

44. Defendant caused QC irreparable injury and damage by infringing one or more claims of the '264 patent.

45. Representative claim chart attached hereto as Exhibit H describes how the elements of an exemplary claim of the '264 patent is infringed by one or more of the Accused Products. This provides details regarding only one example of Defendant's infringement, and only as to a single patent claim, and Plaintiff reserves its right to provide greater detail and scope via its Infringement Contentions at the time required under this Court's scheduling order and as rightfully supplemented after discovery has been obtained.

COUNT IV
PATENT INFRINGEMENT OF THE '859 PATENT

46. Plaintiff restates and realleges the preceding paragraphs of this Complaint, which are incorporated by reference as if fully restated herein.

47. Defendant, under 35 U.S.C. § 271(a), directly, literally, and/or under the doctrine of equivalents infringed one or more claims of the '859 patent, by making, using, testing, selling, offering for sale and/or importing into the United States Defendant's Accused Products.

48. Defendant caused QC irreparable injury and damage by infringing one or more claims of the '859 patent.

49. Representative claim chart attached hereto as Exhibit I describes how the elements of an exemplary claim of the '859 patent is infringed by one or more of the Accused Products. This provides details regarding only one example of Defendant's infringement, and only as to a single

patent claim, and Plaintiff reserves its right to provide greater detail and scope via its Infringement Contentions at the time required under this Court's scheduling order and as rightfully supplemented after discovery has been obtained.

COUNT V
PATENT INFRINGEMENT OF THE '399 PATENT

50. Plaintiff restates and realleges the preceding paragraphs of this Complaint, which are incorporated by reference as if fully restated herein.

51. Defendant has, under 35 U.S.C. § 271(a), directly infringed, and continues to directly infringe, literally and/or under the doctrine of equivalents one or more claims of the '399 patent, by making, using, testing, selling, offering for sale and/or importing into the United States Defendant's Accused Products.

52. Defendant has caused and will continue to cause QC irreparable injury and damage by infringing one or more claims of the '399 patent. QC will suffer further irreparable injury, for which it has no adequate remedy at law, unless and until Defendant is enjoined from infringing the claims of the '399 patent.

53. Defendant's infringement of the '399 patent has been willful since the date of the Original Complaint and merits increased damages.

54. Representative claim chart attached hereto as Exhibit J describes how the elements of an exemplary claim from the '399 patent is infringed by one or more of the Accused Products. This provides details regarding only one example of Defendant's infringement, and only as to a single patent claim, and Plaintiff reserves its right to provide greater detail and scope via its Infringement Contentions at the time required under this Court's scheduling order and as rightfully supplemented after discovery has been obtained.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Quicker Connection LLC respectfully requests the following relief:

A. A judgment that Defendant has directly infringed either literally and/or under the doctrine of equivalents and continues to directly infringe the QC Patents set forth in this Complaint;

B. A judgment and order requiring Defendant to pay Plaintiff damages under 35 U.S.C. § 284, including without limitation both conveyed and derivative sales, as well as supplemental damages for any continuing post-verdict infringement through entry of the final judgment with an accounting as needed;

C. A judgment that Defendant's infringement of the '399 patent has been willful since the date of the Original Complaint;

D. A judgment that Defendant's infringement of enhanced damages pursuant to 35 U.S.C. § 284;

E. A judgment that this is an exceptional case within the meaning of 35 U.S.C. § 285 and Plaintiff is therefore entitled to reasonable attorneys' fees;

F. An accounting for acts of infringement and supplemental damages for infringement and/or damages not presented at trial, including, without limitation, pre-judgment and post-judgment interest on the damages awarded;

G. A judgment and order awarding a compulsory ongoing royalty;

H. A judgment and order awarding Plaintiff costs associated with bringing this action;

I. A judgment granting a preliminary and permanent injunction that restrains and enjoins Defendant, its officers, directors, divisions, employees, agents, servants, parents,

subsidiaries, successors, assigns, and all those in privity, concert, or participation with them from directly infringing the '399 patent;

J. All equitable relief the Court deems just and proper; and

K. Such other relief which may be requested and to which the Plaintiffs are entitled.

JURY TRIAL DEMANDED

Pursuant to FED. R. CIV. P. 38, Plaintiff Quicker Connection LLC hereby demands a trial by jury on all issues so triable.

Date: March 31, 2025

Respectfully Submitted,

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