

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

**Institute for Information Industry,**

Plaintiff,

v.

**Cisco Systems, Inc.,**

Defendant.

**Civil Action No. 2:13-cv-00707-JRG**

**JURY TRIAL DEMANDED**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Institute for Information Industry (“III”) as and for its First Amended Complaint against Cisco Systems, Inc. (“Cisco” or “Defendant”), demand a trial by jury and allege as follows:

**PARTIES**

1. Institute for Information Industry is an information industry research institution with a principal address of 11F, No. 106, Section 2, Heping East Road, Taipei, Taiwan, R.O.C.

2. On information and belief, Defendant Cisco is incorporated under the laws of California with its principal place of business at 170 West Tasman Drive, San Jose, CA 95134. This Defendant is registered to do business in the State of Texas and has appointed The Prentice-Hall Corporation System, Inc., 211E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701-3218, as its agent for service of process. On information and belief, Cisco regularly conducts and transacts business in the United States, throughout the State of Texas, and within the Eastern District of Texas, either itself and/or through one or more subsidiaries, affiliates, business divisions, or business units and has committed acts of infringement within the meaning of 28 U.S.C. § 1400(b).

**JURISDICTION AND VENUE**

3. This action arises under the Patent Laws of the United States, namely, 35 U.S.C. §§ 1 et seq. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and (c) and/or 1400(b). On information and belief, Cisco has transacted business in this district, and has committed acts of patent infringement in this district, by the making, using, offering for sell and/or selling products that infringe the patents in suit.

5. On information and belief, Cisco is subject to this Court's general and specific personal jurisdiction because: Cisco has minimum contacts within the State of Texas and the Eastern District of Texas and, pursuant to due process and/or the Texas Long Arm Statute, Cisco has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Cisco regularly conducts and solicits business within the State of Texas and within the Eastern District of Texas; and causes of action arise directly from Cisco's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 7,376,099**

6. III is the owner of all rights, title and interest to United States Patent No. 7,376,099 ("the '099 Patent") entitled "Methods and Systems of Dynamic Channel Allocation for Access Points in Wireless Networks." The '099 Patent was issued on May 20, 2008 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '099 Patent was filed on December 29, 2004. Attached as Exhibit "A" is a copy of the '099 Patent.

7. The '099 Patent is generally directed to novel, unique and non-obvious systems and methods for dynamic channel allocation for access points in wireless networks.

8. On information and belief, Cisco has been and now is infringing the '099 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell systems and methods for dynamic channel allocation for access points in wireless networks according to the '099 Patent. On information and belief, examples of Cisco products that infringe the '099 Patent include, but are not limited to, the Cisco Wireless LAN Controller, which dynamically allocates channels for access points, and therefore infringe claims of the '099 Patent. Cisco is thus liable for infringement of the '099 Patent pursuant to 35 U.S.C. § 271.

9. As a result of Cisco's infringement of the '099 Patent, III has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Cisco's infringing activities are enjoined by this Court.

10. Unless a permanent injunction is issued enjoining Cisco and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '099 Patent, III will be greatly and irreparably harmed.

**COUNT II**  
**INFRINGEMENT OF U.S. PATENT NO. 7,206,301**

11. III is the owner of all rights, title and interest to United States Patent No. 7,206,301 ("the '301 Patent") entitled "System and Method for Data Communication Handoff Across Heterogeneous Wireless Networks." The '301 Patent was issued on April 17, 2007 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '301 Patent was filed on March 8, 2004. Attached as Exhibit "B" is a copy of the '301 Patent.

12. The '301 Patent is generally directed a system and method for data communication handoff across heterogeneous wireless networks.

13. On information and belief, Cisco has been and now is infringing the '301 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell systems and methods for data communications handoff across heterogeneous wireless networks according to the '301 Patent. On information and belief, examples of Cisco products that infringe the '301 Patent include, but are not limited to, the Cisco BTS, which routes data communications across heterogeneous wireless networks, and therefore infringes claims of the '301 Patent. Cisco is thus liable for infringement of the '301 Patent pursuant to 35 U.S.C. § 271.

14. As a result of Cisco's infringement of the '301 Patent, III has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Cisco's infringing activities are enjoined by this Court.

15. Unless a permanent injunction is issued enjoining Cisco and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '301 Patent, III will be greatly and irreparably harmed.

**COUNT III**  
**INFRINGEMENT OF U.S. PATENT NO. 6,473,413**

16. III is the owner of all rights, title and interest to United States Patent No. 6,473,413 ("the '413 Patent") entitled "Method For Inter-IP-Domain Roaming Across Wireless Networks." The '413 Patent was issued on October 29, 2002 after a full and fair examination by the United States Patent and Trademark Office. The application leading to the '413 Patent was filed on June 22, 1999. Attached as Exhibit "C" is a copy of the '413 Patent.

17. The '413 Patent is generally directed to novel, unique and non-obvious systems and methods for routing datagrams across wireless networks to allow mobile stations to roam among various access points in different IP subnets.

18. On information and belief, Cisco has been and now is infringing the '413 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by making, using, importing, selling or offering to sell systems and methods for routing datagrams across wireless networks according to the '413 Patent. On information and belief, examples of Cisco products that infringe the '413 Patent include, but are not limited to, the Cisco Unified Wireless and Mobile IP product, which routes datagrams across wireless networks to allow mobile stations to roam among various access points in different IP subnets, and therefore infringes claims of the '413 Patent. Cisco is thus liable for infringement of the '413 Patent pursuant to 35 U.S.C. § 271.

19. As a result of Cisco's infringement of the '413 Patent, III has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Cisco's infringing activities are enjoined by this Court.

20. Unless a permanent injunction is issued enjoining Cisco and its agent, servants, employees, representatives, affiliates, and all others acting on or in active concert therewith from infringing the '413 Patent, III will be greatly and irreparably harmed.

**PRAYER FOR RELIEF**

WHEREFORE, III respectfully requests that this Court enter:

A. A judgment in favor of III that Cisco has infringed the '099, '301 and '413 Patents;

B. A permanent injunction enjoining Cisco and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringing the '099, '301 and '413 Patents;

C. A judgment and order requiring Cisco to pay III its damages, costs, expenses, and prejudgment and post-judgment interest for Cisco infringement of the '099, '301 and '413 Patents as provided under 35 U.S.C. § 284;

D. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to III its reasonable attorneys' fees; and

E. Any and all other relief to which III may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

III, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: February 26, 2014

Respectfully submitted,

/s/ Winston O. Huff

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**Attorneys for Plaintiff  
Institute for Information Industry**

**CERTIFICATE OF FILING**

I hereby certify that on February 26, 2014 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system.

Respectfully submitted,

*/s/ Winston O. Huff* \_\_\_\_\_