

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

OPTICAL TECH IP, LLC, )  
 )  
Plaintiff, )  
 ) Civil Action No. \_\_\_\_\_  
v. )  
 ) **JURY TRIAL DEMANDED**  
CISCO SYSTEMS, INC., )  
 )  
Defendant. )  
\_\_\_\_\_ )

**COMPLAINT**

For its Complaint, Plaintiff Optical Tech, LLC ("Optical Tech"), by and through the undersigned counsel, alleges as follows:

**THE PARTIES**

1. Optical Tech is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 475, Plano, Texas 75093.
2. Defendant Cisco Systems, Inc. is a California corporation with, upon information and belief, a place of business located at 170 West Tasman Drive, San Jose, California 95134.
3. Upon information and belief, Defendant has registered with the Texas Secretary of State to conduct business in Texas.

**JURISDICTION AND VENUE**

4. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
6. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, 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 this district.

7. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

**THE PATENT-IN-SUIT**

8. On June 29, 2010, United States Patent No. 7,747,172 (the "'172 patent"), entitled "Optical Communication System Having Enhanced Spectral Efficiency Using Electronic Signal Processing" was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '172 patent is attached hereto as Exhibit A.

9. Optical Tech is the assignee and owner of the right, title and interest in and to the '172 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,747,172**

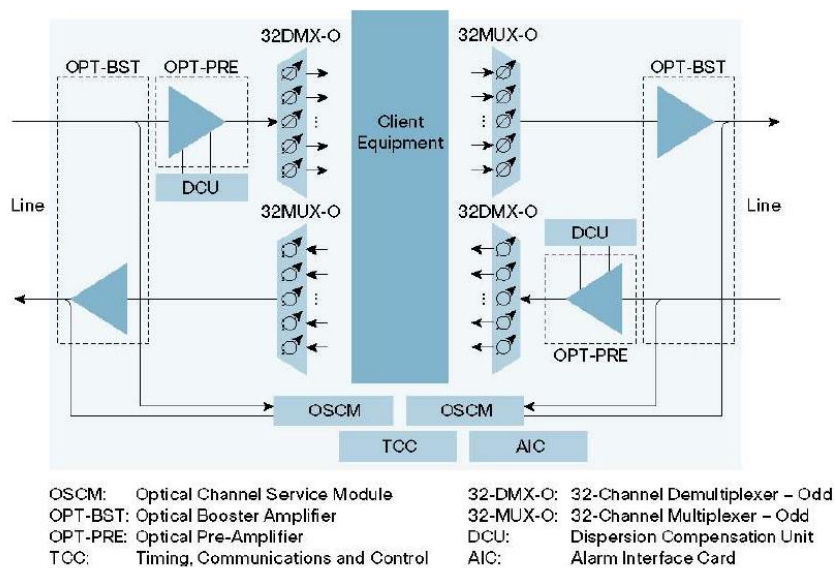
10. Optical Tech repeats and realleges the allegations of paragraphs 1 through 9 as if fully set forth herein.

11. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '172 patent by making, using, importing, offering for sale, and/or selling optical communication systems, including, but not limited to the ONS 15454 Multiservice Transport Platform, that incorporates methods covered by one or more claims of the '172 patent.

12. More specifically and upon information and belief, the ONS 15454 Multiservice Transport Platform includes adjustable filtering before transmission to limit each band to a finite bandwidth so multiple channels can coexist. Accordingly, a

plurality of channels is provided and pre-filtered before transmission. The ONS 15454 Multiservice Transport Platform through use of a coherent trunk card outputs the pre-filtered data channels from the optical transmitter in the form of an optical transmission. See Cisco ONS 15454 100Gbs Coherent Trunk Card Data Sheet at 4. The ONS 15454 contains a multichannel multiplexer and de-multiplexer for the transmission and reception of optical transmissions, respectively:

Figure 2  
MSTP Hub Node



Fixed Optical Filter Portfolio for the Cisco ONS 15454 Multiservice Platform. Data sheet at 3. Thus, the optical transmission from the ONS 15454 Multiservice Transport Platform is received at an optical receiver at a destination ONS 15454 Multiservice Transport Platform.

13. Optical Tech is entitled to recover from Defendant the damages sustained by Optical Tech as a result of Defendant's infringement of the '172 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**JURY DEMAND**

Optical Tech hereby demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Optical Tech requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '172 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Optical Tech for Defendant's past infringement of the '172 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Optical Tech's reasonable attorneys' fees; and
- D. An award to Optical Tech of such further relief at law or in equity as the Court deems just and proper.

Dated: November 11, 2014

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