

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

SYCAMORE IP HOLDINGS LLC,	-----X	
	:	
Plaintiff,	:	C.A. No. _____
	:	
v.	:	
	:	
	:	JURY TRIAL DEMANDED
MENARA NETWORKS, INC.; XENA NETWORKS	:	
INC.; PACKETLIGHT NETWORKS LTD.; and	:	
PACKETLIGHT USA,	:	
	:	
Defendants.	:	
	-----X	

AMENDED COMPLAINT

Plaintiff Sycamore IP Holdings LLC (“Sycamore”), as for its complaint of patent infringement in this matter, hereby alleges as follows:

NATURE OF THE ACTION

This is an action for patent infringement of United States Patent No. 6,952,405 (the “’405 Patent”) under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, seeking damages and injunctive and other relief under 35 U.S.C. § 281, *et seq.*

THE PARTIES

1. Plaintiff Sycamore is a Delaware limited liability company with its principal place of business at 2700 Plumas Street #120, Reno, Nevada 89509.

2. Upon information and belief, Defendant Menara Networks, Inc. (“Menara”) is a Delaware corporation with its principal place of business at 3400 Carlisle Street, Suite 210, Dallas, Texas 75204.

3. Upon information and belief, Defendant Xena Networks Inc. (“Xena”) is a Massachusetts corporation with its principal place of business at 945 Concord Street, Suite 117, Framingham, Massachusetts 01701. Service for Xena can be received by CT Corporation System, 155 Federal Street, Suite 700, Boston, MA 02110.

4. Upon information and belief, Defendant PacketLight Networks Ltd. (“PacketLight Ltd.”) is an Israeli company with its principal place of business at 27 Habarzel St., Tel-Aviv 69710, Israel.

5. Upon information and belief, Defendant PacketLight USA is a New Jersey corporation and a subsidiary of PacketLight Networks Ltd. with its principal place of business at 900 Corporate Drive, Mahwah, NJ 07430.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the action concerns the infringement of a United States patent.

8. Upon information and belief, Menara, Xena, PacketLight Ltd., and Packetlight USA (collectively, “Defendants”) are subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due to at least their substantial business in this forum, directly and/or through intermediaries, including: (i) committing at least a portion of the acts of infringements alleged herein, and (ii) regularly doing or soliciting business in the State of Texas and in this Judicial District, engaging in other persistent courses of conduct in this district including maintaining continuous and systematic contacts in Texas and in this Judicial District, purposefully availing themselves of the privileges

of doing business in Texas and in this Judicial District, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District. Upon information and belief, this Court also has personal jurisdiction over Defendant Menara because its principal place of business is in Dallas, Texas, and it is registered to do business in the State of Texas, and thus it has purposely availed itself of the privileges and benefits of the laws of Texas.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because, among other reasons, Defendants are subject to personal jurisdiction in this District, and Defendants have committed and continue to commit acts of patent infringement in this District. For example, upon information and belief, Defendants have used, sold, offered for sale, and/or imported infringing products and services in this District.

THE PATENT-IN-SUIT

10. Sycamore is the owner by assignment of the '405 Patent, entitled "Coding Scheme Using a Transaction Indicator for Signal Transmission in Optical Communications Networks," which the United States Patent & Trademark Office duly issued on October 4, 2005. The '405 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code. A true and correct copy of the '405 Patent is attached hereto as Exhibit A.

FACTUAL BACKGROUND

11. Dr. Danny Tsang and Dr. Murat Azizoglu are the named inventors of the '405 Patent.

12. The '405 Patent was originally assigned to Sycamore Networks, Inc. ("Sycamore Networks") of Chelmsford, Massachusetts. Sycamore Networks was once a pioneer company for making advanced optical networking equipment.

13. Dr. Murat Azizoglu is the President and a Managing Member of Sycamore.

Previously, Dr. Azizoglu served as a Chief Network Architect of Sycamore Networks.

14. In February 1998, Sycamore Networks was founded by a group of data networking industry veterans to develop sophisticated optical networking equipment for the then emerging fiber-optics data networks industry. Sycamore Networks launched its first products in March 1999.

15. Sycamore Networks went public on October 22, 1999 and became a Wall Street sensation as it “closed with the biggest market value ever achieved by an Internet-related company in its first day of trading”¹ and posted “the third-best opening result ever.”² Sycamore Networks reached a market capitalization of about \$14.4 billion after its first public trading day, and later reached a market capitalization of about \$45 billion in March 2000.

16. Dr. Azizoglu joined Sycamore Networks in 1999 as a Senior Scientist and was soon promoted to Chief Network Architect. After obtaining his Ph.D. in Electrical Engineering from the Massachusetts Institute of Technology (“MIT”) in 1991, Dr. Azizoglu served as an Assistant Professor at the Department of Electrical Engineering and Computer Science of George Washington University from 1991 to 1994. He then joined the Department of Electrical Engineering of the University of Washington, where he became a tenured Associate Professor.

17. Dr. Danny Tsang was a visiting professor on leave from the Hong Kong University of Science and Technology (“HKUST”) when he worked at Sycamore Networks from 2000 to 2001. Dr. Tsang is currently a full professor at HKUST and a fellow of the Institute of Electrical and Electronics Engineers (“IEEE”). Dr. Tsang obtained his Ph.D. in Electrical Engineering from the University of Pennsylvania in 1989.

18. Around the late 1990s, the data networking industry faced a challenging and

¹ See http://news.cnet.com/Sycamore-shares-soar-in-stunning-debut/2100-1033_3-231775.html

² See <http://money.cnn.com/1999/10/22/news/sycamore/>

technically complex problem of how to properly and efficiently map the data traffic coming from a variety of data networks (e.g., Gigabit Ethernet, Fibre Channel, FICON, and ESCON) onto an outgoing synchronous optical network (e.g., SONET), in order to transport the incoming data traffic across the outgoing optical network. An important aspect of this problem is how to timely and transparently transport both the control information and the data information within the incoming traffic across the outgoing network without incurring excessive traffic overhead.

19. In 2000, drawing on and extending Dr. Azizoglu's earlier work on data transport networks, Drs. Azizoglu and Tsang conceived and designed an elegant new transcoding scheme that takes advantage of some inherent line-code properties of certain data networks such as Gigabit Ethernet, Fibre Channel, FICON, and ESCON. This new transcoding scheme designed by Drs. Azizoglu and Tsang not only addressed the above mentioned technical problem faced by the data networking industry, but also provided the benefit of elegantly reducing the overall data rate of the incoming traffic.

20. Sycamore Networks filed a provisional patent application for this invention on December 5, 2000, and later filed a formal patent application on February 27, 2001, which would ultimately issue as the '405 patent on October 4, 2005.

21. Defendant Menara imports, makes, uses, offers to sell and/or sells its Armada 1000GM Muxponder/Transponder products, 10G OTN XFP Transceiver products including but not limited to Tunable 10G OTN XFP Transceiver, and 10G OTN XENPAK Transceiver products including but not limited to Tunable 10G OTN XENPAK Transceiver ("Accused Menara Products"). Menara commits such acts in the State of Texas and in this judicial district.

22. Upon information and belief, Menara has sold its infringing 10G OTN optical transceivers, including but not limited to its Tunable 10G OTN XFP Transceiver, to Xena.

23. Upon information and belief, Menara's infringing Armada modular DWDM transport systems, including but not limited to Armada 1000GM Muxponder/Transponder products, have been originally designed and manufactured by PacketLight Networks Ltd. and PacketLight USA (collectively "PacketLight").

24. Menara has made, offered for sale, and/or sold its infringing 10G OTN optical transceivers and Armada modular DWDM transport systems since at least 2009.³ Menara has made, offered for sale, and/or sold its infringing Armada 1000GM Muxponder/Transponder products since at least 2013.⁴

25. Defendant Xena imports, makes, uses, offers to sell and/or sells its XenaOTN products ("Accused Xena Products"), which incorporate Menara's infringing Tunable 10G OTN XFP Transceiver.⁵ In doing so, Xena has established an ongoing business relationship and/or partnership with Menara, a Texas corporation. Xena commits such acts in the State of Texas and in this judicial district.

26. Defendant PacketLight imports, makes, uses, offers to sell and/or sells its PL-1000GM Muxponder/Transponder products ("Accused PacketLight Products"). PacketLight has worked with Menara to allow Menara to re-brand the infringing PL-1000GM Muxponder/Transponder products as Menara's infringing Armada 1000GM Muxponder/Transponder products. In doing so, PacketLight has established an ongoing business relationship and/or partnership with Menara, a Texas corporation. PacketLight commits such

³ See, e.g., http://menaranet.com/index.php?route=news/article&ncat=59&news_id=15 and http://menaranet.com/index.php?route=news/article&ncat=59&news_id=17.

⁴ See <http://www.lightwaveonline.com/articles/2013/03/menara-networks-offers-tunable-metro-dwdm-cfp.html>; see also <http://www.lightwaveonline.com/articles/2013/09/menara-networks-enters-4x28g-cfp-metro-100g-market.html>

⁵ See <http://www.xenanetworks.com/test-modules/12-3-test-modules/xenaotn>; see also <http://xena.wpengine.com/wp-content/uploads/xenadocuments/XenaOTN.pdf>

acts in the State of Texas and in this judicial district.

COUNT I: INFRINGEMENT OF THE '405 PATENT

27. Plaintiff repeats and re-alleges the allegations above as if fully set forth herein.

28. Upon information and belief, Defendants have been and are currently directly infringing one or more claims of the '405 Patent, either literally or under the doctrine of equivalents, by importing, making, using, offering to sell, and/or selling, without authority, infringing instrumentalities, including without limitation Accused Menara Products, Accused Xena Products, and Accused PacketLight Products (collectively "Accused Products"). Defendants' direct infringement includes, without limitation, (i) making and using the apparatus of at least claim 11, and (ii) practicing the method of at least claim 1, including by Defendants' making, using, operating, and/or testing the Accused Products.

29. Defendants further contribute to and/or induce infringement of the claims of the '405 Patent. The direct infringement induced and contributed to by Defendants includes at least the operation of the Accused Products by end users, which may include one or more of the other Defendants. Defendants know that these users are infringing the '405 Patent at least by virtue of the filing of this Complaint and Defendants have specific intent to encourage these users to infringe the '405 Patent by practicing all of the claim limitations of at least one claim of the '405 Patent. Defendants induce these users to operate the Accused Products, knowing that these acts constitute infringement of the '405 Patent and with specific intent to encourage those acts and encourage infringement.

30. Upon Defendants' gaining knowledge of the '405 Patent, it was, or became, apparent to Defendants that the manufacture, sale, importing, offer for sale, testing and use of the Accused Products resulted in infringement of the '405 Patent. Upon information and belief,

Defendants have continued to engage in activities constituting inducement of infringement, notwithstanding their knowledge (or willful blindness thereto) that the activities they were inducing result in infringement of the '405 Patent. For example, Defendants are inducing infringement of the '405 Patent by, among other things, knowingly and with intent, actively encouraging their customers, suppliers, users, agents and/or affiliates to make, use, sell and/or offer for sale the Accused Products in a manner that constitutes infringement of one or more claims of the '405 Patent, knowing that such activities infringe the '405 Patent.

31. Defendants encourage direct infringement of the '405 Patent at least by widely publicizing the infringing Accused Products.⁶

32. By inducing Defendants' customers', suppliers', users', agents' and/or affiliates' use of the apparatuses and methods claimed in the '405 Patent, including through their use of the aforementioned Accused Products, Defendants have been and are now indirectly infringing under 35 U.S.C. § 271(b) one or more claims of the '405 Patent, either literally or under the doctrine of equivalents.

33. Upon information and belief, upon receiving knowledge of the '405 Patent (at least since the filing date of this Complaint) Defendants are contributing to the infringement of the '405 Patent by, among other things, knowingly and with intent, actively encouraging their customers, suppliers, agents, users and/or affiliates to make, use, sell and/or offer for sale

⁶ See, e.g.,

<http://menaranet.com/download/datasheets/ARMADA/Armada%201000GM%20Brochure.pdf>;
http://menaranet.com/index.php?route=news/article&ncat=59&news_id=15;
http://menaranet.com/index.php?route=news/article&ncat=59&news_id=17;
<http://www.lightwaveonline.com/articles/2013/03/menara-networks-offers-tunable-metro-dwdm-cfp.html>; <http://www.lightwaveonline.com/articles/2013/09/menara-networks-enters-4x28g-cfp-metro-100g-market.html>; <http://www.xenanetworks.com/test-modules/12-3-test-modules/xenaotn>; and <http://xena.wpengine.com/wp-content/uploads/xenadocuments/XenaOTN.pdf>

Defendants' Accused Products in a manner that constitutes infringement of one or more claims of the '405 Patent. There are no substantial uses of Defendants' Accused Products that do not infringe one or more claims of the '405 Patent.

34. By contributing to Defendants' customers', suppliers', agents', users' and/or affiliates' use of the apparatuses and methods claimed in the '405 Patent, including through their use of Defendants' Accused Products, Defendants have been and are now indirectly infringing under 35 U.S.C. § 271(c) one or more claims of the '405 Patent, either literally or under the doctrine of equivalents.

35. As a result of Defendants' unlawful infringement of the '405 Patent, Sycamore has suffered and will continue to suffer damage. Sycamore is entitled to recover from Defendants the damages adequate to compensate for such infringement, which have yet to be determined.

36. On information and belief, Defendants will continue to infringe the '405 Patent unless and until they are enjoined by this Court.

37. Defendants, by way of their infringing activities, have caused and continue to cause Sycamore to suffer damages in an amount to be determined at trial. Sycamore has no adequate remedy at law against Defendants' acts of infringement and, unless Defendants are enjoined from their infringement of the '405 Patent, Sycamore will suffer irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, Sycamore respectfully requests that this Court enter judgment in its favor as follows:

A. Holding that Defendants have directly infringed, literally and/or under the doctrine of equivalents, the claims of the '405 Patent;

B. Holding that Defendants have indirectly infringed, literally and/or under the doctrine of equivalents, the claims of the '405 Patent;

C. Permanently enjoining Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with any of them from infringing, inducing the infringement of, or contributing to the infringement of the '405 Patent;

D. Awarding to Sycamore the damages to which it is entitled under 35 U.S.C. § 284 for Defendants' past infringement and any continuing or future infringement up until the date Defendants are finally and permanently enjoined from further infringement, including compensatory damages;

E. Declaring this to be an exceptional case and awarding Sycamore attorneys' fees under 35 U.S.C. § 285;

F. Awarding Sycamore costs and expenses in this action;

G. Awarding Sycamore pre- and post-judgment interest on its damages; and

H. Awarding Sycamore such other and further relief in law or in equity as this Court deems just and proper.

JURY DEMAND

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

Dated: June 19, 2015

Respectfully submitted,

By: /s/ Andrew W. Spangler

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 19th day of June, 2015, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Andrew W. Spangler
Andrew W. Spangler