

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

AIRSPAN NETWORKS INC.,

Plaintiff,

v.

BARKAN WIRELESS IP HOLDINGS, L.P.,

Defendant.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR DECLARATORY JUDGMENT**

Plaintiff Airspan Networks Inc. (“Airspan”) brings this complaint against Barkan Wireless IP Holdings, L.P. (“Barkan”) and alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for declaratory judgment of non-infringement, invalidity, and unenforceability arising under the patent laws of the United States, 35 U.S.C. § 100 et seq.

2. Airspan requests this relief because Barkan recently filed a lawsuit, *Barkan Wireless IP Holdings, L.P. v. Sprint Corporation et al*, Case No. 2:19-cv-00336-JRG (E.D. Tex.), claiming that Airspan’s customer, Sprint, infringes U.S. Patent Nos. 8,014,284 (the “284 patent”), 8,559,312 (the “312 patent”), and 9,392,638 (the “638 patent”) (collectively “the Barkan patents”) “by at least manufacturing, supplying, distributing, selling and/or offering for sale” certain Airspan products.

3. Barkan, apparently seeking to create a tactical advantage for itself, chose not to name Airspan as a party to its lawsuit and filed its lawsuit in the Eastern District of Texas where Airspan is not subject to jurisdiction or venue.

4. Barkan's lawsuit asserting claims of patent infringement based on Airspan products has threatened Airspan's business and relationship with its customer, and has created a present, genuine, and justiciable controversy between Airspan and Barkan. Airspan seeks to defend its products and to alleviate the burdens of litigation on its customer. For these reasons, and as alleged more particularly herein, Airspan brings this action for a declaratory judgment, pursuant to 28 U.S.C. §§ 2201 and 2202, to declare that the Barkan patents are not infringed by Airspan's products, and that the Barkan patents are invalid and/or unenforceable.

#### **THE PARTIES**

5. Airspan is a corporation organized and existing under the laws of the State of Delaware, with its U.S. headquarters at 777 Yamato Road, Boca Raton, Florida, 33431.

6. Barkan is a Delaware Limited Partnership, with a registered agent at 1313 N Market Street, Suite 5100, Wilmington, Delaware, 19801.

#### **JURISDICTION AND VENUE**

7. The Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331, 1338(a), and 2201(a).

8. The Court has personal jurisdiction over Barkan because Barkan is a Delaware Limited Partnership and maintains a registered agent in this judicial district.

9. Venue is proper under 28 U.S.C. §§ 1391(b)(1) and 1400(b) because Barkan resides in this judicial district.

#### **FACTUAL BACKGROUND**

10. Barkan purports to be the owner by assignment of all right, title, and interest in the '284 patent, entitled "Systems, Devices and Methods for Providing Access to a Distributed Network" (**Exhibit A**).

11. On December 7, 2018, in IPR2018-01186, the United States Patent and Trademark

Office (“USPTO”) issued a decision instituting *Inter Partes* Review of claims 1-21 of the ’284 patent with respect to all grounds set forth in a Petition filed by Unified Patents Inc. On December 4, 2019, the USPTO issued a Final Written Decision determining that claims 1-3, 5-10, 12-14, and 16-18 of the ’284 patent are unpatentable.

12. On March 27, 2019, in IPR2018-01659, the USPTO issued a decision instituting *Inter Partes* Review of claims 1-21 of the ’284 patent with respect to all grounds set forth in a Petition filed by Cellco Partnership d/b/a Verizon Wireless. IPR2018-01659 was terminated at the request of the parties due to a settlement reached before any final written decision.

13. On May 1, 2019, in IPR2019-00100, the USPTO issued a decision instituting *Inter Partes* Review of claims 1-21 of the ’284 patent with respect to all grounds set forth in a Petition filed by Samsung Electronics America, Inc. IPR2019-00100 was terminated at the request of the parties due to a settlement reached before any final written decision.

14. On January 30, 2019, in IPR2019-00632, Cellco Partnership d/b/a Verizon Wireless and Samsung Electronics America, Inc. filed a Petition requesting *Inter Partes* Review of claims 1-21 of the ’284 patent. IPR2019-00632 was terminated at the request of the parties due to a settlement reached before any institution decision.

15. Barkan purports to be the owner by assignment of all right, title, and interest in the ’312 patent, entitled “Systems, Devices and Methods for Providing Access to a Distributed Network” (**Exhibit B**).

16. On May 24, 2019, in IPR2019-00199, the USPTO issued a decision instituting *Inter Partes* Review of claims 1-7 and 14-38 of the ’312 patent with respect to all grounds set forth in a Petition filed by Cellco Partnership d/b/a Verizon Wireless and Samsung Electronics America, Inc. IPR2019-00199 was terminated at the request of the parties due to a settlement reached before

any final written decision.

17. On May 24, 2019, in IPR2019-00200, the USPTO issued a decision instituting *Inter Partes* Review of claims 8–11, 13, 34, and 39–55 of the '312 patent with respect to all grounds set forth in a Petition filed by Cellco Partnership d/b/a Verizon Wireless and Samsung Electronics America, Inc. IPR2019-00200 was terminated at the request of the parties due to a settlement reached before any final written decision.

18. On January 30, 2019, in IPR2019-00631, Cellco Partnership d/b/a Verizon Wireless and Samsung Electronics America, Inc. filed a Petition requesting *Inter Partes* Review of claims 1-11 and 13-55 of the '312 patent. IPR2019-00631 was terminated at the request of the parties due to a settlement reached before any institution decision.

19. Barkan purports to be the owner by assignment of all right, title, and interest in the '638 patent, entitled “Systems, Devices and Methods for Providing Access to a Distributed Network” (**Exhibit C**).

20. On November 12, 2018, in IPR2019-00234, Samsung Electronics America, Inc. and Cellco Partnership d/b/a Verizon Wireless filed a Petition requesting *Inter Partes* Review of claims 1-36 of the '638 patent. IPR2019-00234 was terminated at the request of the parties due to a settlement reached before any institution decision.

21. The Barkan patents were first asserted in litigation in *Barkan Wireless IP Holdings, L.P. v. Samsung Electronics Co., Ltd. et al*, Case No. 2:18-cv-00028-JRG (E.D. Tex.). Following claim construction, the parties stipulated to entry of judgment of invalidity of claims 5-6, 13-14, 23-24, and 33-34 of the '638 patent and entry of judgment of non-infringement of claim 13 of the '312 patent and claims 1-16, 18-19, and 28-29 of the '638 patent. On June 4, 2019, the case was dismissed at the request of the parties due to a settlement.

22. On October 14, 2019, Barkan filed a new lawsuit, *Barkan Wireless IP Holdings, L.P. v. Sprint Corporation et al*, Case No. 2:19-cv-00336-JRG (E.D. Tex.), claiming that Sprint (an Airspan customer) and CommScope (and Airspan competitor) infringe the Barkan patents.

23. In its Amended Complaint, Barkan claims that Sprint infringes at least claim 15 of the '284 patent, claim 1 of the '312 patent, and claim 1 of the '638 patent. (**Exhibit D** at ¶¶ 42, 51, 58.)

24. Certain of Barkan's infringement claims against Sprint are based on Airspan products. Specifically, Barkan alleges that "Defendants make, use, offer to sell, sell and/or import into the United States products and/or systems that infringe the patents-in-suit, including, but not limited to, the Sprint Airave 2, Sprint Airave 2.5, Sprint Airave 3, Sprint Airave 4, and Sprint Magic Box Gold . . . ." (**Exhibit D** at ¶ 34.) Sprint Airave 4 and Sprint Magic Box Gold are Airspan products.

25. Sprint Airave 4 is the Airspan AirVelocity product (model AV-100C) with Sprint branding. This is confirmed by the product's label and User Guide (*available at <https://www.sprint.com/content/dam/sprint/us/en/support/airave/Airave4UserGuide.pdf>*).

26. Sprint Magic Box Gold is the Airspan AirUnity product (model AU587) with Sprint branding. This is confirmed by the product's label and User Guide (*available at [https://www.sprint.com/content/dam/sprint/commerce/devices/sprint/magic\\_box\\_gold/DUG0147-6-SP\\_Magic\\_Box\\_Gold\\_\(AU587\)\\_User\\_Guide\\_Rev\\_A\\_2.pdf](https://www.sprint.com/content/dam/sprint/commerce/devices/sprint/magic_box_gold/DUG0147-6-SP_Magic_Box_Gold_(AU587)_User_Guide_Rev_A_2.pdf)*). Barkan's Amended Complaint includes excerpts from Airspan's User Guide for the Magic Box Gold product, including statements referring to the Magic Box Gold as an Airspan product. (*See, e.g., Exhibit D* at ¶¶ 51, 58.)

27. Airspan designed and manufactured the Sprint Airave 4 and Sprint Magic Box Gold

products (collectively “the Airspan Accused Products”). Airspan sold the Airspan Accused Products to Sprint, and Sprint then redistributed the products to certain of its customers. Sprint did not modify or configure or customize the Airspan Accused Products in any way material to Barkan’s claims of patent infringement. Airspan is the “true defendant” in the dispute with Barkan concerning alleged infringement involving the Airspan Accused Products. *See In re Nintendo of Am., Inc.*, 756 F.3d 1363, 1365 (Fed. Cir. 2014) (“it is the manufacturer who is generally the ‘true defendant’ in the dispute.”).

28. Barkan could have filed suit against Airspan in the District of Delaware to resolve its claims of patent infringement involving the Airspan Accused Products.

29. Instead, apparently seeking to create a tactical advantage for itself and to deprive Airspan of its statutory right to a separate trial under 35 U.S.C. § 299, Barkan filed its lawsuit in the Eastern District of Texas where Airspan is not subject to jurisdiction or venue, chose not to name Airspan as a party, and included in its complaint additional unrelated claims of infringement involving products made by Airspan’s competitor, CommScope. Airspan brings the present action to defend its products and to alleviate the burdens of litigation on its customer.

**CLAIM I**  
**DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE ’284 PATENT**

30. Airspan restates and incorporates by reference each of the allegations in the preceding paragraphs of this complaint.

31. Barkan has alleged and continues to allege that making, using, offering to sell, selling, and importing the Airspan Accused Products infringes at least claim 15 of the ’284 patent.

32. No valid and enforceable claim of the ’284 patent has been or is infringed, either directly or indirectly, literally or under the doctrine of equivalents, by Airspan or its customers through their manufacture, use, offer for sale, sale, and/or import of the Airspan Accused Products.

33. Airspan has never manufactured, used, offered for sale, sold, or imported any products or services which infringe any valid and enforceable claim of the '284 patent. By way of example, the Airspan Accused Products do not include “a controller adapted to regulate data flow between the mobile device and the data network based, at least partially, on information received over the data network from said coordination center,” as required by at least claim 15 of the '284 patent. In its Amended Complaint filed in the Eastern District of Texas (**Exhibit D**), Barkan failed to allege specific facts showing that the Airspan Accused Products include a “a controller adapted to regulate data flow between the mobile device and the data network based, at least partially, on information received over the data network from said coordination center,” as required by at least claim 15 of the '284 patent.

34. As a result of the acts described in the foregoing paragraphs, there exists a present, genuine, and justiciable controversy between Barkan and Airspan warranting issuance of a declaration by the Court that no valid and enforceable claim of the '284 patent has been infringed, directly or indirectly, literally or under the doctrine of equivalents, by Airspan or its customers, including through their manufacture, use, offer for sale, sale, and/or import of the Airspan Accused Products.

**CLAIM II**  
**DECLARATORY JUDGMENT OF INVALIDITY OF THE '284 PATENT**

35. Airspan restates and incorporates by reference each of the allegations in the preceding paragraphs of this complaint.

36. Barkan has alleged and continues to allege that at least claim 15 of the '284 patent is valid, enforceable, and infringed by making, using, offering to sell, selling, and/or importing the Airspan Accused Products.

37. At least claim 15 of the '284 patent is invalid for failure to comply with one or more

requirements of 35 U.S.C. §§ 101, 102, 103, 112, and/or the doctrine of nonstatutory double patenting. For example, claim 15 of the '284 patent is invalid for at least the reasons set forth in the Petitions filed in IPR2018-01659, IPR2019-00100 and IPR2019-00632.

38. As a result of the acts described in the foregoing paragraphs, there exists a present, genuine, and justiciable controversy between Barkan and Airspan warranting issuance of a declaration by the Court that one or more of the claims of the '284 patent are invalid.

**CLAIM III**  
**DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '312 PATENT**

39. Airspan restates and incorporates by reference each of the allegations in the preceding paragraphs of this complaint.

40. Barkan has alleged and continues to allege that making, using, offering to sell, selling, and importing the Airspan Accused Products infringes at least claim 1 of the '312 patent.

41. No valid and enforceable claim of the '312 patent has been or is infringed, either directly or indirectly, literally or under the doctrine of equivalents, by Airspan or its customers through their manufacture, use, offer for sale, sale, and/or import of the Airspan Accused Products.

42. Airspan has never manufactured, used, offered for sale, sold, or imported any products or services which infringe any valid and enforceable claim of the '312 patent. By way of example, the Airspan Accused Products do not include “a connection regulator adapted to facilitate data flow between the mobile device and the packet-based data network,” as required by at least claim 1 of the '312 patent. In its Amended Complaint filed in the Eastern District of Texas (**Exhibit D**), Barkan failed to allege specific facts showing that the Airspan Accused Products include “a connection regulator adapted to facilitate data flow between the mobile device and the packet-based data network,” as required by at least claim 1 of the '312 patent.

43. As a result of the acts described in the foregoing paragraphs, there exists a present,



genuine, and justiciable controversy between Barkan and Airspan warranting issuance of a declaration by the Court that no valid and enforceable claim of the '312 patent has been infringed, directly or indirectly, literally or under the doctrine of equivalents, by Airspan or its customers, including through their manufacture, use, offer for sale, sale, and/or import of the Airspan Accused Products.

**CLAIM IV**  
**DECLARATORY JUDGMENT OF INVALIDITY OF THE '312 PATENT**

44. Airspan restates and incorporates by reference each of the allegations in the preceding paragraphs of this complaint.

45. Barkan has alleged and continues to allege that at least claim 1 of the '312 patent is valid, enforceable, and infringed by making, using, offering to sell, selling, and/or importing the Airspan Accused Products.

46. At least claim 1 of the '312 patent is invalid for failure to comply with one or more requirements of 35 U.S.C. §§ 101, 102, 103, 112, and/or the doctrine of nonstatutory double patenting. For example, claim 1 of the '312 patent is invalid for at least the reasons set forth in the Petitions filed in IPR2019-00199, IPR2019-00200, and IPR2019-00631.

47. As a result of the acts described in the foregoing paragraphs, there exists a present, genuine, and justiciable controversy between Barkan and Airspan warranting issuance of a declaration by the Court that one or more of the claims of the '312 patent are invalid.

**CLAIM V**  
**DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '638 PATENT**

48. Airspan restates and incorporates by reference each of the allegations in the preceding paragraphs of this complaint.

49. Barkan has alleged and continues to allege that making, using, offering to sell,

selling, and importing the Airspan Accused Products infringes at least claim 1 of the '638 patent.

50. No valid and enforceable claim of the '638 patent has been or is infringed, either directly or indirectly, literally or under the doctrine of equivalents, by Airspan or its customers through their manufacture, use, offer for sale, sale, and/or import of the Airspan Accused Products.

51. Airspan has never manufactured, used, offered for sale, sold, or imported any products or services which infringe any valid and enforceable claim of the '638 patent. By way of example, the Airspan Accused Products do not include a "tamper-free unit," as required by at least claim 1 of the '638 patent. In its Amended Complaint filed in the Eastern District of Texas (**Exhibit D**), Barkan failed to allege specific facts showing that the Airspan Accused Products include a "tamper-free unit," as required by at least claim 1 of the '638 patent.

52. As a result of the acts described in the foregoing paragraphs, there exists a present, genuine, and justiciable controversy between Barkan and Airspan warranting issuance of a declaration by the Court that no valid and enforceable claim of the '638 patent has been infringed, directly or indirectly, literally or under the doctrine of equivalents, by Airspan or its customers, including through their manufacture, use, offer for sale, sale, and/or import of the Airspan Accused Products.

**CLAIM VI**  
**DECLARATORY JUDGMENT OF INVALIDITY OF THE '638 PATENT**

53. Airspan restates and incorporates by reference each of the allegations in the preceding paragraphs of this complaint.

54. Barkan has alleged and continues to allege that at least claim 1 of the '638 patent is valid, enforceable, and infringed by making, using, offering to sell, selling, and/or importing the Airspan Accused Products.

55. At least claim 1 of the '638 patent is invalid for failure to comply with one or more

requirements of 35 U.S.C. §§ 101, 102, 103, 112, and/or the doctrine of nonstatutory double patenting. For example, claim 1 of the '638 patent is invalid for at least the reasons set forth in the Petition filed in IPR2019-00234.

56. As a result of the acts described in the foregoing paragraphs, there exists a present, genuine, and justiciable controversy between Barkan and Airspan warranting issuance of a declaration by the Court that one or more of the claims of the '638 patent are invalid.

**CLAIM VII**  
**DECLARATORY JUDGMENT OF UNENFORCEABILITY OF THE '312 PATENT**  
**AND INFECTIOUS UNENFORCEABILITY OF THE '638 PATENT**

57. Airspan restates and incorporates by reference each of the allegations in the preceding paragraphs of this complaint.

58. As set forth in detail below, the allegations in this claim generally relate to Barkan and Elad Barkan's conduct during the prosecution of the '312 patent.

59. The '312 patent purports to be a continuation of application No. 09/871,661, which issued as the '284 patent.

60. The '638 patent purports to be a continuation of application No. 13/181,543, which issued as the '312 patent, and application No. 09/871,661, which issued as the '284 patent.

61. All of the Barkan patents are related to one another and share the same specification.

62. On August 15, 2013, the USPTO issued a non-final rejection in the prosecution of application No. 13/590,253, which later issued as the '638 patent, rejecting pending claims 1-30 as unpatentable under 35 U.S.C. § 103 for obviousness over WO 99/35800 to Bergenwall et al. ("Bergenwall") in view of other references.

63. On information and belief, Spencer C. Patterson, the attorney prosecuting

application No. 13/590,253, which later issued as the '638 patent, reviewed the above office action and Bergenwall, and sent a copy of the office action and Bergenwall to Elad Barkan.

64. At the time Mr. Barkan received Bergenwall and the office action, the claims pending in application No. 13/590,253 were very similar to the claims pending in application No. 13/181,543, which later issued as the '312 patent.

65. On September 5, 2013, with knowledge of Bergenwall and its applicability to the claims pending in application No. 13/590,253, and thus to the very similar claims pending in application No. 13/181,543 which later issued as the '312 patent, Mr. Barkan signed and submitted forms for payment of issuance fees for application No. 13/181,543. In response to this action by Mr. Barkan, the USPTO issued the '312 patent.

66. Despite his knowledge of Bergenwall, Mr. Barkan never disclosed Bergenwall or the related August 15, 2013 office action during the prosecution of the '312 patent.

67. Moreover, there were different USPTO examiners handling the prosecution of the '312 patent and the '638 patent: Thjuan K. Addy for the '312 patent and Huy D. Vu and James P. Duffy for the '638 patent.

68. Barkan, including Mr. Barkan, did not disclose Bergenwall, or the August 15, 2013, non-final rejection to Examiner Addy during the prosecution of the '312 patent.

69. This information, which was not disclosed to Examiner Addy during the '312 patent's prosecution, was material because it resulted in the rejection of similar claims during the '638 patent's prosecution.

70. This information is not cumulative of the information of record during prosecution of the '312 patent. Specifically, the August 15, 2013 office action explains that Bergenwall itself discloses the first three of the four limitations of claim 1 of the '312 patent and that Bergenwall in

combination with another reference, U.S. Pat. No. 6,070,078 (“Camp”), discloses all four limitations of claim 1 of the ’312 patent:

- Bergenwall discloses a “base station including; a transceiver adapted to establish a radio-frequency link with a mobile telephone” (8/15/13 Office Action at 3, citing Bergenwall at page 3, lines 24-35) (corresponding to the limitation in claim 1 of the ’312 patent “a transceiver adapted to establish a radio frequency link with a mobile device”);
- Bergenwall discloses “a first interface, separate from said transceiver, that is adapted for communication over the public Internet” (8/15/13 Office Action at 3, citing Bergenwall at page 1, lines 22-25 and Fig. 1) (corresponding to the limitation in claim 1 of the ’312 patent “a connector to a packet based data network”);
- Bergenwall discloses a “controller configured to obtain information from a server accessed via the public Internet and route data from the mobile telephone, over the public Internet” (8/15/13 Office Action at 3, citing Bergenwall at page 6, lines 1-10 and 16-32, and page 7, lines 20-36) (corresponding to the limitation in claim 1 of the ’312 patent “a connection regulator adapted to facilitate data flow between the mobile device and the packet-based data network”); and
- Camp discloses “wherein the controller is adapted to determine the geographical location data for the base station using a GPS device” (8/15/13 Office Action at 9, citing Camp at column 4, lines 3-13; *see also Id.* at 10: “It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the base station of Bergenwall in view of Chimura with the teachings of Camp in order to locate a base station.”) (corresponding to limitation in claim 1 of the ’312

patent “wherein said gateway is adapted to determine a physical location of said gateway.”).

71. On information and belief, Barkan, including Mr. Barkan, had, or should have had, personal knowledge of the foregoing information and events occurring in the two prosecutions.

72. On information and belief, Mr. Barkan had, or should have had, personal knowledge of the foregoing information because he is the sole named inventor for both the '312 patent and the '638 patent, and is the limited partner of Barkan.

73. Mr. Barkan owed a duty of candor and good faith under 37 CFR § 1.56, which included a duty to disclose to the USPTO all information known to be material to patentability.

74. Mr. Barkan acknowledged his duty to disclose information material to patentability in a Declaration for Patent Application that he filed on July 13, 2011 during the prosecution of the '312 patent.

75. Under 35 CFR § 1.56, “the duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.”

76. On information and belief, Mr. Barkan failed to disclose information material to patentability to Examiner Addy during the prosecution of the '312 patent.

77. On information and belief, Mr. Barkan breached his duty of candor by knowingly failing to disclose the material information set forth above to Examiner Addy during the prosecution of the '312 patent.

78. On information and belief, Mr. Barkan intended to deceive Examiner Addy by deliberately withholding this material information from Examiner Addy because he hoped to avoid having Examiner Addy withdraw the application from issuing as the '312 patent to further examine

the claims in light of Bergenwall and other references.

79. Because Mr. Barkan made at least one intentional filing during prosecution of the '312 patent after becoming aware of Bergenwall and its materiality to the pending claims that later issued in the '312 patent, the most reasonable inference that can be drawn is that Mr. Barkan intentionally failed to disclose Bergenwall and the related August 15, 2013 office action to the USPTO during prosecution of the '312 patent.

80. Because of the allegations set forth above, on information and belief, the '312 patent is unenforceable due to inequitable conduct.

81. The '638 patent is related to the '312 patent and shares the same specification. The unenforceability of the '312 patent due to inequitable conduct also renders the '638 patent unenforceable under the doctrine of infectious unenforceability.

### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiff requests that the Court enter judgment as follows:

- (a) A declaration that no claim of the Barkan patents has been infringed by Airspan or its customers, including through their manufacture, use, offer for sale, sale, and/or import of the Airspan Accused Products;
- (b) A declaration that all claims of the Barkan patents are invalid;
- (c) A declaration that the '312 patent and the '638 patent are unenforceable;
- (d) An order enjoining Barkan, its privies, and all those in active consort therewith from litigating claims against Airspan products in *Barkan Wireless IP Holdings, L.P. v. Sprint Corporation et al*, Case No. 2:19-cv-00336-JRG (E.D. Tex.), as well as any other cases in any venue in which Airspan's technology is accused of

infringing any of the Barkan patents, pending the final disposition of this action, inclusive of any appeals;

- (e) if the facts demonstrate that the case is exceptional within the meaning of 35 U.S.C. § 285, an award to Airspan of its reasonable attorneys' fees, expenses, and costs; and
- (f) Such other and further relief as the Court deems just and appropriate.

**JURY TRIAL DEMAND**

Airspan demands a trial by jury on all issues so triable.

Dated: January 20, 2020

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