

1 Jeffrey Francis Craft (SBN 147186)  
jcraft@devlinlawfirm.com  
2 DEVLIN LAW FIRM LLC  
1731 Fox Springs Circle,  
3 Newbury Park, CA 91320

4 Timothy Devlin (*pro hac vice* to be submitted)  
tdevlin@devlinlawfirm.com  
5 DEVLIN LAW FIRM LLC  
6 1526 Gilpin Avenue  
7 Wilmington, DE 19806  
Telephone: (302) 449-9010  
8 Facsimile: (302) 353-4251

9 Attorney for Plaintiff  
10 Scale Video Coding LLC

11  
12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14 **SOUTHERN DIVISION**

15  
16 Scale Video Coding LLC,  
17 Plaintiff,  
18 v.  
19 Mitel Networks Inc.,  
20 Defendant.

Case No. 8:21-cv-01701

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Scale Video Coding LLC (“Scale Video” or “Plaintiff”), for its  
2 Complaint against Defendant Mitel Networks Inc., (referred to herein as “Mitel” or  
3 “Defendant”), alleges the following:

4 **NATURE OF THE ACTION**

5 1. This is an action for patent infringement arising under the Patent Laws  
6 of the United States, 35 U.S.C. § 1 *et seq.*

7 **THE PARTIES**

8 2. Plaintiff Scale Video is a limited liability company organized under  
9 the laws of the State of Delaware with a place of business at 717 N. Union Street,  
10 Wilmington, Delaware 19805.

11 3. Upon information and belief, Mitel is a corporation organized under  
12 the laws of the State of Delaware with a place of business at 1146 North Alma  
13 School Road, Mesa, Arizona 85201. Upon information and belief, Mitel sells,  
14 offers to sell, and/or uses products and services throughout the United States,  
15 including in this judicial district, and introduces infringing products and services  
16 into the stream of commerce knowing that they would be sold and/or used in this  
17 judicial district and elsewhere in the United States.

18 **JURISDICTION AND VENUE**

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

21 5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331  
22 and 1338(a).

23 6. Venue is proper in this judicial district under 28 U.S.C. § 1400(b).

24 7. This Court has personal jurisdiction over the Mitel under the laws of  
25 the State of California, due at least to their substantial business in California and in  
26 this judicial district, directly or through intermediaries, including: (i) at least a  
27 portion of the infringements alleged herein; and (ii) regularly doing or soliciting

1 business, engaging in other persistent courses of conduct and/or deriving  
2 substantial revenue from goods and services provided to individuals in the State of  
3 California. Venue is also proper in this district because Mitel has a regular and  
4 established place of business in this district. For instance, Mitel has a sales office  
5 in this judicial district. For example, Mitel has a sales office located at 18301 Von  
6 Karman Ave., Suite 500, Irvine, California 92612. (*See, e.g.*,  
7 <https://www.mitel.com/contact/locations/california> (last accessed Oct. 10, 2021).)

## 8 **BACKGROUND**

### 9 **The Invention**

10 8. Erik Van Zijst is the inventor of U.S. Patent No 11,019,372 (“the ’372  
11 patent”). A true and correct copy of the ’372 patent is attached as Exhibit A.

12 9. The ’372 patent resulted from the pioneering efforts of Mr. Van Zijst  
13 (hereinafter “the Inventor”) in the area of network management. These efforts  
14 resulted in the development of a method and apparatus for the management of data  
15 packets to support multicasting, or supporting one-to-many communication over  
16 the Internet, within the last five years. At the time of these pioneering efforts, the  
17 most widely implemented technology used to address network management was to  
18 discard data packets that could not be immediately forwarded to the data recipient.  
19 In that type of system, the data stream that is eventually received by one or more  
20 receivers further down the network is corrupt and the congestion also has a  
21 negative impact on communication sessions of other nodes that communicate  
22 through the bottleneck router. The Inventor conceived of the inventions claimed in  
23 the ’372 patent as a way to send data packets from a data source to more than one  
24 receiver, ideally without putting extra stress on the network or source when the  
25 number of receivers increases.

26 10. For example, the Inventor developed a method whereby receivers tell  
27 the network which data streams the receivers want to receive and let the network

1 compute data distribution paths to deliver just the right packets to each receiver.  
2 As an additional example, the Inventor developed a method of letting the source  
3 encode the list of receivers in each data packet, thereby freeing the network from  
4 the potentially computationally intensive task of maintaining multicast distribution  
5 paths. As a further example, the Inventor developed a method of relying on logic  
6 at the receiver by letting the network apply a broadcast mechanism whereby each  
7 packet is delivered to every connected node and letting the receivers filter out only  
8 those packets that are interesting.

9 **Advantage Over the Prior Art**

10 11. The patented invention disclosed in the '372 patent, provides many  
11 advantages over the prior art, and in particular improved the operations of network  
12 routers. (*See* '372 patent at 3:6-10.) One advantage of the patented invention is  
13 that routers are given the ability to tell the network which data streams the  
14 receivers want to receive and let the network compute data distribution paths to  
15 deliver just the right packets to each receiver. (*See* '372 patent at 3:11-15.) Prior  
16 to the patented invention, data packets would be discarded if bandwidth  
17 bottlenecks prohibited the data packet from being forwarded. By allowing the  
18 network to compute distribution paths, the path of the data packet could be  
19 adjusted to avoid the bottleneck, allowing the data packet to be forwarded.

20 12. Another advantage of the patented invention is the method of a source  
21 delivering data packets to all receivers and allowing the receivers to filter out only  
22 the packets needed at the receiver. (*See* '372 patent at 3:20-24.) While this places  
23 a heavy initial load on the network, bottlenecks are avoided because the flow of  
24 data packets over the distribution paths is constant and the network need not  
25 compute different data paths based on the an increase in the number of receivers.

26 13. Because of these significant advantages that can be achieved through  
27 the use of the patented invention, Scale Video believes that the '372 patent

1 presents significant commercial value for companies like Mitel. Indeed, Mitel's  
2 business engages heavily in the transfer of data packets over the Internet on at least  
3 a national scale, representing a significant commercial investment for Mitel.

4 **Technological Innovation**

5 14. The patented invention disclosed in the '372 patent resolves technical  
6 problems related to network management, particularly problems related to the  
7 utilization of video routers support multicasting data packets. As the '372 patent  
8 explains, one of the limitations of the prior art as regards network management was  
9 that when a bandwidth bottleneck is reached, a video router discards the packets  
10 that cannot immediately be forwarded. This causes two problems. The data stream  
11 that is eventually received by one or more receivers further down the network is  
12 corrupt and the congestion also has a negative impact on communication sessions  
13 of other nodes that communicate through the bottleneck router. (*See* '372 patent at  
14 1:59-65.)

15 15. The claims of the '372 patent do not merely recite the performance of  
16 some well-known business practice from the pre-Internet world along with the  
17 requirement to perform it on the Internet. Instead, the claims of the '372 patent  
18 recite inventive concepts that are deeply rooted in engineering technology, and  
19 overcome problems specifically arising out of how to manage the transfer of data  
20 packets over a network.

21 16. In addition, the claims of the '372 patent recite inventive concepts that  
22 improve the functioning of video routers, particularly a video router's ability to  
23 communicate with a network or filter data packets transferred over a network to  
24 remove unimportant packets.

25 17. Moreover, the claims of the '372 patent recite inventive concepts that  
26 are not merely routine or conventional use of data packet management. Instead,  
27 the patented invention disclosed in the '372 patent provides a new and novel

1 solution to specific problems related to improving a network’s ability to multicast  
2 data packets to one or more receivers over a network with limited bandwidth  
3 capacity and decreasing the number of data packets discarded when network  
4 bandwidth bottlenecks are reached.

5 18. And finally, the patented invention disclosed in the ’372 patent does  
6 not preempt all the ways that video routers may be used to improve network  
7 management, nor does the ’372 patent preempt any other well-known or prior art  
8 technology.

9 19. Accordingly, the claims in the ’372 patent recite a combination of  
10 elements sufficient to ensure that the claim in substance and in practice amounts to  
11 significantly more than a patent-ineligible abstract idea.

12 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 11,019,372**

13 20. The allegations set forth in the foregoing paragraphs 1 through 19 are  
14 incorporated into this First Claim for Relief.

15 21. On May 25, 2021, the ’372 patent was duly and legally issued by the  
16 United States Patent and Trademark Office under the title “LAYERED  
17 MULTICAST AND FAIR BANDWIDTH ALLOCATION AND PACKET  
18 PRIORITIZATION”

19 22. Scale Video is the assignee and owner of the right, title and interest in  
20 and to the ’372 patent, including the right to assert all causes of action arising  
21 under said patent and the right to any remedies for infringement of it.

22 23. Upon information and belief, Mitel has and continues to directly  
23 infringe one or more claims of the ’372 patent by selling, offering to sell, making,  
24 using, and/or providing and causing to be used products, specifically one or more  
25 communications and collaboration products, which by way of example include  
26 MiTeam, MiTeam Meetings, Mitel Teamwork, Mitel Phone Manager, Mitel Mass  
27 Notification, Mitel InAttend, MiCollab, MiCloud Connect, Mitel Sky, MiCloud

1 Flex, MiCloud Business, MiCloud Office, MiContact Center Live, and MiCloud  
2 Engage Contact Center (*see* <https://www.mitel.com/products> (last accessed Oct.  
3 10, 2021)) (the “Accused Instrumentalities”).

4 24. Upon information and belief, the Accused Instrumentalities performs  
5 a method for transmitting video signals.

6 25. Exemplary infringement analysis showing infringement of claims 1, 6,  
7 and 11 of the ’372 patent is set forth in Exhibit B. This infringement analysis is  
8 necessarily preliminary, as it is provided in advance of any discovery provided by  
9 Mitel with respect to the ’372 patent. Scale Video reserves all rights to amend,  
10 supplement and modify this preliminary infringement analysis. Nothing in the  
11 attached chart should be construed as any express or implied contention or  
12 admission regarding the construction of any term or phrase of the claims of the  
13 ’372 patent.

14 26. The Accused Instrumentality infringed and continues to infringe  
15 claims 1, 6, and 9 of the ’372 patent during the pendency of the ’372 patent.

16 27. Scale Video has been harmed by the Mitel’s infringing activities.

17 **JURY DEMAND**

18 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Scale Video  
19 demands a trial by jury on all issues triable as such.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff Scale Video demands judgment for itself and  
22 against Mitel as follows:

23 A. An adjudication that the Mitel has infringed the ’372 patent;

24 B. An award of damages to be paid by Mitel adequate to compensate  
25 Scale Video for Mitel’s past infringement of the ’372 patent, and any continuing or  
26 future infringement through the date such judgment is entered, including interest,  
27

1 costs, expenses and an accounting of all infringing acts including, but not limited  
2 to, those acts not presented at trial;

3 C. A declaration that this case is exceptional under 35 U.S.C. § 285, and  
4 an award of Scale Video’s reasonable attorneys’ fees; and

5 D. An award to Scale Video of such further relief at law or in equity as  
6 the Court deems just and proper.

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8 Dated: October 13, 2021

By: /s/ Timothy Devlin

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Timothy Devlin

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tdevlin@devlinlawfirm.com

11

Jeffrey Francis Craft (SBN 147186)

12

jcrafft@devlinlawfirm.com

13

DEVLIN LAW FIRM LLC

14

1526 Gilpin Avenue

15

Wilmington, DE 19806

16

Telephone: (302) 449-9010

17

Facsimile: (302) 353-4251

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*Attorneys for Plaintiff*

19

*Scale Video Coding LLC*

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