QUINN EMANUEL URQUHART & SULLIVAN, LLP
James R. Asperger (Bar No. 083188)
jimasperger@quinnemanuel.com
865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100



Kevin P.B. Johnson (Bar No. 177129) kevinjohnson@quinnemanuel.com 555 Twin Dolphin Drive, 5th Floor Redwood Shores, California 94065 Telephone: (650) 801-5000 Facsimile: (650) 801-5100

Attorneys for Plaintiff the California Institute of Technology

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UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

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The CALIFORNIA INSTITUTE OF TECHNOLOGY, a California corporation,

Plaintiff,

HUGHES COMMUNICATIONS,

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VS.

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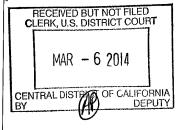
INC., a Delaware corporation, HUGHES NETWORK SYSTEMS, LLC, a Delaware limited liability company, DISH NETWORK CORPORATION, a Nevada corporation, DISH NETWORK L.L.C., a Colorado limited liability company, and DISHNET SATELLITE BROADBAND L.L.C., a Colorado limited liability company,

Defendants.

CASE NO. 2:13-cv-07245-MRP-JEM

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

JURY TRIAL DEMANDED



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Plaintiff the California Institute of Technology ("Caltech" or "Plaintiff"), by and through its undersigned counsel, complains and alleges as follows against Hughes Communications, Inc., Hughes Network Systems, LLC, DISH Network Corporation, DISH Network L.L.C., and dishNET Satellite Broadband L.L.C. (collectively, "Defendants"):

NATURE OF THE ACTION

- 1. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 et seq.
- 2. Defendants have infringed and continue to infringe, contributed to and continue to contribute to the infringement of, and/or actively induced and continue to induce others to infringe Caltech's U.S. Patent No. 7,116,710, U.S. Patent No. 7,421,032, U.S. Patent No. 7,916,781, and U.S. Patent No. 8,284,833 (collectively, "the Asserted Patents"). Caltech is the legal owner by assignment of the Asserted Patents, which were duly and legally issued by the United States Patent and Trademark Office. Caltech seeks injunctive relief and monetary damages.

THE PARTIES

- 3. Caltech is a non-profit private university organized under the laws of the State of California, with its principal place of business at 1200 East California Boulevard, Pasadena, California 91125.
- 4. On information and belief, Hughes Communications, Inc. ("Hughes Communications") is a corporation organized under the laws of the State of Delaware, with its principal place of business located at 11717 Exploration Lane, Germantown, Maryland 20876. On information and belief, Hughes Communications is a wholly-owned subsidiary of Hughes Satellite Systems Corporation, which is a wholly-owned subsidiary of EchoStar Corporation ("EchoStar").
- 5. On information and belief, Hughes Network Systems, LLC ("Hughes Network") is a limited liability company organized under the laws of the State of

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Delaware, with its principal place of business located at 11717 Exploration Lane, Germantown, Maryland 20876. On information and belief, Hughes Network is a wholly owned subsidiary of Hughes Communications. Hughes Communications and Hughes Network, collectively, are referred to as "Hughes Defendants."

- 6. On information and belief, DISH Network Corporation ("DISH Corp.") is a corporation organized under the laws of the State of Nevada with its principal place of business located at 9601 South Meridian Boulevard, Englewood, Colorado 80112.
- 7. On information and belief, DISH Network L.L.C. ("DISH L.L.C.") is a limited liability company organized under the laws of the State of Colorado with its principal place of business located at 9601 South Meridian Boulevard, Englewood, Colorado 80112. On information and belief, DISH L.L.C. is a wholly owned subsidiary of DISH Corp.
- 8. On information and belief, dishNET Satellite Broadband L.L.C. ("dishNET") is a limited liability company organized under the laws of the State of Colorado with its principal place of business located at 9601 South Meridian Boulevard, Englewood, Colorado 80112. On information and belief, dishNET is a wholly owned subsidiary of DISH Corp. On information and belief, dishNET and DISH L.L.C. are related entities. DISH Corp., DISH L.L.C., and dishNET, collectively, are referred to as "Dish Defendants."
- 9. On information and belief, Hughes Defendants' parent company, EchoStar, and Dish Defendants were previously one company. On information and belief, around January 2008, EchoStar and Dish Defendants became two separate companies (the "spin-off").
- 10. On information and belief, the business relationship among Dish Defendants, EchoStar and Hughes Defendants remains extremely integrated. The same individual serves as the Chairman of both Dish Defendants and EchoStar. Further, since the spin-off, a substantial majority of the voting power of the shares

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in addition to the Chairman, an individual responsible for the development and implementation of advanced technologies that are of potential utility and importance to both Dish Defendants and EchoStar serves on the board of both companies. On information and belief, in 2010, Dish Defendants accounted for 82.5% of EchoStar's total revenue and in 2012, Dish Defendants accounted for 49.5% of EchoStar's total revenue. Additionally, on information and belief, in October 2012, Dish Defendants and Hughes Defendants entered into a distribution agreement relating to Hughes Defendants' satellite internet service.

of both Dish Defendants and EchoStar is owned beneficially by the Chairman, or by

certain trusts established by the Chairman. Additionally, on information and belief,

JURISDICTION AND VENUE

- 11. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).
- 12. Hughes Defendants are subject to this Court's personal jurisdiction. On information and belief, Hughes Defendants regularly conduct business in the State of California, including in the Central District of California, and have committed acts of patent infringement and/or contributed to or induced acts of patent infringement by others in this District and elsewhere in California and the United States. As such, Hughes Defendants have purposefully availed themselves of the privilege of conducting business within this District; have established sufficient minimum contacts with this District such that they should reasonably and fairly anticipate being haled into court in this District; have purposefully directed activities at residents of this State; and at least a portion of the patent infringement claims alleged herein arise out of or are related to one or more of the foregoing activities.
- 13. Dish Defendants are subject to this Court's personal jurisdiction. On information and belief, Dish Defendants regularly conduct business in the State of California, including in the Central District of California, maintain employees in this District and elsewhere in California, and have committed acts of patent infringement

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and/or contributed to or induced acts of patent infringement by others in this District and elsewhere in California and the United States. As such, Dish Defendants have purposefully availed themselves of the privilege of conducting business within this District; have established sufficient minimum contacts with this District such that they should reasonably and fairly anticipate being haled into court in this District; have purposefully directed activities at residents of this State; and at least a portion of the patent infringement claims alleged herein arise out of or are related to one or more of the foregoing activities.

14. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400 because Defendants regularly conduct business in this District, and certain of the acts complained of herein occurred in this District.

CALTECH'S ASSERTED PATENTS

- 15. On October 3, 2006, the United States Patent Office issued U.S. Patent No. 7,116,710, titled "Serial Concatenation of Interleaved Convolutional Codes Forming Turbo-Like Codes" (the "'710 patent"). A true and correct copy of the '710 patent is attached hereto as Exhibit A.
- 16. On September 2, 2008, the United States Patent Office issued U.S. Patent No. 7,421,032, titled "Serial Concatenation of Interleaved Convolutional Codes Forming Turbo-Like Codes" (the "'032 patent"). A true and correct copy of the '032 patent is attached hereto as Exhibit B. The '032 patent is a continuation of the application that led to the '710 patent.
- 17. On March 29, 2011, the United States Patent Office issued U.S. Patent No. 7,916,781, titled "Serial Concatenation of Interleaved Convolutional Codes Forming Turbo-Like Codes" (the "'781 patent"). A true and correct copy of the '781 patent is attached hereto as Exhibit C. The '781 patent is a continuation of the application that led to the '032 patent, which is a continuation of the application that led to the '710 patent.
 - 18. On October 9, 2012, the United States Patent Office issued U.S. Patent

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