

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

ELBIT SYSTEMS LAND AND C4I LTD. and)
ELBIT SYSTEMS OF AMERICA, LLC,)
)
Plaintiffs,)

v.) C.A. No. 2:15-CV-37

HUGHES NETWORK SYSTEMS, LLC,)
BLACK ELK ENERGY OFFSHORE)
OPERATIONS, LLC, BLUETIDE)
COMMUNICATIONS, INC., and HELM)
HOTELS GROUP,)
)
Defendants.)

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Elbit Systems Land and C4I Ltd. (“Elbit”) and Elbit Systems of America, LLC (“Elbit Systems of America”) (collectively, “Plaintiffs”), by their undersigned attorneys, for their Complaint against defendants Hughes Network Systems, LLC (“Hughes”), Black Elk Energy Offshore Operations, LLC (“Black Elk”), BlueTide Communications, Inc. (“BlueTide”), and Helm Hotels Group (“Helm”) (collectively, “Defendants”), hereby allege as follows, upon actual knowledge with respect to themselves and their own acts, and upon information and belief as to all other matters:

THE PARTIES

1. Plaintiff Elbit is a corporation organized and existing under the laws of Israel. Elbit is a wholly-owned subsidiary of Elbit Systems Ltd., an international defense

electronics company engaged in a wide range of programs throughout the world. Elbit maintains its principal place of business at 5 HaGavish Street, Netanya, Israel, 4250705.

2. Plaintiff Elbit Systems of America is a limited liability company organized and existing under the laws of the State of Delaware. Elbit Systems of America is a wholly-owned subsidiary of Elbit Systems Ltd. Elbit Systems of America maintains its principal place of business at 4700 Marine Creek Parkway, Fort Worth, Texas, 76179.

3. Defendant Hughes is a limited liability company organized and existing under the laws of Delaware. Hughes maintains its principal place of business at 11717 Exploration Lane, Germantown, Maryland, 20876. Hughes maintains a registered agent in Texas, Corporation Service Company, located at 211 E. 7th Street, Suite 620, Austin, TX 78701.

4. Defendant Black Elk is a limited liability company organized and existing under the laws of Texas. Black Elk maintains its principal place of business at 3100 South Gessner Road, Suite 215, Houston, TX 77063. Black Elk maintains a registered agent in Texas, CT Corporation System, located at 1999 Bryan St., Suite 900, Dallas, TX 75201.

5. Defendant BlueTide (d/b/a "BlueTide Communications Corporation") is a company organized and existing under the laws of Louisiana. BlueTide maintains its principal place of business at 200 Cummings Road, Broussard, LA 70518.

6. Defendant Helm owns and operates five Texas hotels, the Best Western Premier, Crown Chase Inn & Suites, located at 2450 Brinker Road, Denton, TX 76208, the Holiday Inn & Suites, McKinney - Fairview, located at 3220 Craig Drive, McKinney, TX 75070, the Best Western Plus, Monica Royale Inn & Suites, located at 3001 Mustang Crossing, Greenville, TX 75402, the Holiday Inn Express, Hotel & Suites, located at 2901 Mustang Crossing, Greenville, TX 75402, and the Best Western Plus, Crown Colony Inn & Suites, located

at 3211 South 1st St., Lufkin, TX 75901. Helm maintains its principal place of business at PO Box 789, Sulphur Springs, TX 75483.

JURISDICTION AND VENUE

7. This is an action for patent infringement of United States Patent Nos. 6,240,073 (“the ’073 patent”) and 7,245,874 (“the ’874 patent”), arising under the United States patent laws, Title 35, United States Code, including but not limited to 35 U.S.C. § 271.

8. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

9. This Court has personal jurisdiction over Defendants. Defendants conduct business in this judicial district and elsewhere in Texas and throughout the United States. Further, Defendants have committed and continue to commit acts of patent infringement in this District and elsewhere in Texas by marketing, selling, offering to sell, and/or using infringing broadband satellite systems and components, entitling Plaintiffs to relief.

10. Venue in this District is proper pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b), at least because each defendant has sold, offered to sell, or used the infringing broadband satellite systems and components in this District pursuant at least to 35 U.S.C. § 271(a), 35 U.S.C. § 271(b), and/or 43 U.S.C. § 1333(a).

THE IPOs STANDARD

11. The claimed invention of the ’073 patent is infringed by broadband satellite systems that operate according to the Internet Protocol over Satellite (“IPoS”) Standard, which was ratified as a U.S. Telecommunications Industry Association standard (TIA-1008-2003) in November 2003. A true and correct copy of a Hughes White Paper describing the IPoS standard is attached as Exhibit A.

12. The IPoS standard specifies architecture and protocols for the transmission of Internet Protocol (“IP”) packets between a central hub station and remote satellite terminals using geosynchronous satellites.

13. The IPoS standard is based upon Defendant Hughes’s “HughesNet®” two-way satellite system.

14. Defendant Hughes manufactures and sells broadband satellite systems that are compliant with the IPoS standard, and components that make up such systems, such as the Hughes HX/HN broadband satellite systems. A true and correct copy of a Hughes publication advertising its IPoS-compliant broadband satellite systems is attached as Exhibit B.

15. Defendant BlueTide is a Louisiana-based company that has partnered with Hughes to install and manage Hughes’s IPoS-compliant HX/HN broadband satellite systems for individual customers in the specific maritime context. In 2014, BlueTide spun off from Environmental & Safety Services International, Inc. (“ESSI”), where it had previously performed these functions for Hughes as the Communications Division of ESSI. A true and correct copy of a MarineLink news article discussing the relationship between Hughes and ESSI/BlueTide is attached as Exhibit C. As noted in the article, “[w]ith Hughes as the well-funded and reliable parent and the Hughes Maritime Broadband network at their disposal, ESSI is arguably the perfect service provider and conduit to the maritime customer; utilizing U.S. built Hughes hubs and modems, selling to end users and providing tier one and two support.” Defendant Black Elk, for example, explained in the article that “the ESSI Deck Vision solution coupled with the Hughes Maritime Broadband service helps us operate more efficiently than ever.”

16. Defendant Black Elk, a Houston-based oil and gas company, is a customer of Hughes and a user of Hughes’s IPoS-compliant HX broadband satellite system. A true and

correct copy of a Hughes publication advertising Black Elk's use of its broadband satellite system is attached as Exhibit D. As described in the publication, Hughes and/or ESSI/BlueTide have worked with Black Elk to implement the Hughes broadband satellite system within Black Elk's communications framework, which Hughes describes as the "Hughes Maritime Broadband solution." The publication notes that Hughes and ESSI "are equipping Black Elk-operated production platforms in the Gulf of Mexico with HX broadband satellite routers and providing high-speed Internet, SCADA, Wi-Fi, Fax, and VHF radio backhaul services," which Hughes describes as "a fully managed broadband satellite solution." Upon information and belief, Black Elk operates production platforms in Texas waters and in federal waters in the Gulf of Mexico, including in federal waters adjacent to this District.

17. Defendant Helm, the owner and operator of five Texas hotels, is a customer of Hughes and a user of Hughes's IPoS-compliant HX/HN broadband satellite systems. A true and correct copy of a Hughes publication advertising Helm's use of its broadband satellite systems is attached as Exhibit E. As described in the publication, Hughes has worked with Helm to install a Hughes Digital Concierge, which relies on the Hughes broadband satellite systems, at least in Helm's Best Western Premier property in Denton, Texas. The publication notes that Hughes "manages the interactive touchscreen displays" and "handles the technology and support." A true and correct copy of The Best Western Premier's webpage is also attached as Exhibit F, in which the hotel displays the Hughes Digital Concierge and notes that its "unique lobby" comes with a "touchscreen concierge," which it lists as an amenity.

18. Upon information and belief, Hughes has sold its IPoS-compliant HX/HN broadband satellite systems to other customers for use in a variety of contexts throughout the United States and worldwide, including but not limited to other maritime customers, in addition

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