

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
(SHERMAN DIVISION)**

BELL NORTHERN RESEARCH, LLC,

Plaintiff,

v.

ASUSTEK COMPUTER INC. and ASUS
COMPUTER INTERNATIONAL,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bell Northern Research, LLC (“BNR” or “Plaintiff”), for its Complaint against Defendants ASUSTek Computer Inc. and ASUS Computer International (collectively, “ASUS” or “Defendants”), alleges the following:

NATURE OF THE ACTION

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

THE PARTIES

2. Plaintiff BNR is a limited liability company organized under the laws of the State of Delaware with a place of business at 401 North Michigan Avenue, Chicago, Illinois 60611.

3. BNR is informed and believes Defendant ASUSTek Computer Inc. has its principal place of business and headquarters at No. 15, Li-Te Rd., Beitou Dist., Taipei 112, Taiwan. BNR is informed and believes that Defendant ASUSTek Computer Inc. imports, sells for importation, and/or sells after importation into the United States products that practice the accused methods (“Accused Products”), including at least the ASUS PN52 ExpertCenter MiniPC Computer,

which contains a MediaTek MT7922 chip that it uses to communicate over wireless networks in an infringing manner, and the ASUS RT-AX89X AX6000 Dual Band router, which contains a Qualcomm IPQ8074 chip that it uses to communicate over wireless networks in an infringing manner (“ASUS Exemplary Accused Products”), either directly or by directing the co-defendant ASUS entities to do so.

4. BNR is informed and believes Defendant ASUS Computer International has its principal place of business and headquarters at 48720 Kato Rd., Fremont, CA 94538. BNR is informed and believes Defendant ASUS Computer International is a subsidiary of or otherwise controlled by Defendant ASUSTek Computer Inc. as to the sale for importation, importation, and/or sale after importation into the United States of the Accused Products, including the ASUS Exemplary Accused Products. BNR is informed and believes that Defendant ASUS Computer International imports, sells for importation, and/or sells after importation into the United States the Accused Products, including the ASUS Exemplary Accused Products, either directly or on behalf of the other ASUS entities. On information and belief, ASUSTek Computer Inc. also uses ASUS Accused Products within the United States.

JURISDICTION AND VENUE

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

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

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

8. Upon information and belief, Defendant ASUSTek Computer Inc. is not a resident in the United States and may be sued in any judicial district. Defendant ASUSTek Computer Inc. has a place of business located at No. 15, Li-Te Rd., Beitou Dist., Taipei 112,

Taiwan. On information and belief, Defendant ASUSTek Computer Inc. has committed acts of infringement in this District.

9. Upon information and belief, Defendant ASUS Computer International has its principal place of business and headquarters at t 48720 Kato Rd., Fremont, CA 94538. On information and belief, Defendant ASUS Computer International has committed acts of infringement within this district.

10. ASUS has previously consented to jurisdiction and venue in this District, for example, in *Genghiscomm Holdings, LLC v. ASUSTek Computer, Inc.*, Case No. 2:22-cv-66 (E.D. Tex. 2022).

11. Upon information and belief, Defendants are subject to this Court's general and specific personal jurisdiction, because the Defendants have sufficient minimum contacts within the State of Texas and this District, pursuant to due process and/or the Texas Long Arm Statute, because the Defendants purposefully availed itself of the privileges of conducting business in the State of Texas and in this District, because the Defendants regularly conduct and solicits business within the State of Texas and within this District, and because Plaintiff's causes of action arise directly from the Defendants' business contacts and other activities in the State of Texas and this District.

BACKGROUND

12. The Asserted Patents come from a rich pedigree dating back to the late 19th century. This is when Bell Labs sprang to life from the combined efforts of AT&T and Western Electric. Bell Labs is one of America's greatest technology incubators, and paved the way for many technological advances we know and use today, including the transistor, several kinds of lasers, the UNIX operating system, and computer languages such as C++. In total, Bell Labs received nine Nobel Prizes for its work over the years.

13. Eventually the Bell system broke up and spawned several new companies. They included telecommunications powerhouses Lucent and Agere Systems. Lucent was absorbed by Nokia, while Agere Systems was acquired by LSI, then Avago, and ultimately renamed Broadcom. The Bell system also spun off Northern Electric which led to the creation of a research lab known as BNR. This lab grew to host thousands of engineers in offices around the globe. One of those was an 800,000-square-foot campus in Richardson, Texas.

14. Collectively, these companies spurred a digital revolution in telecommunications, starting with the first digital telephone switch in 1975. They continued to push the industry to new heights in the late-80s, when BNR announced the desire to create a global fiber optic network (called “FiberWorld”). Its goal was to give users easy, reliable, and fast access to a variety of multimedia services. To realize this vision, Bell Labs and subsequent innovators made numerous breakthroughs in laser, integrated circuit, photodetector, amplifier, and waveguide designs. These advancements led to the modern fiber optic systems we use today.

15. This work naturally evolved to include cellular telecommunications as well. On May 6, 1992, BNR VP George Brody—along with executives from Bell Cellular and Northern Electric—made the first Canada-US digital cellular call. It stretched from Toronto, Ontario to Fort Worth, Texas.

16. Eventually, Nortel Networks absorbed BNR. Although Nortel was ultimately unsuccessful in its bid to supply digital telecommunications and networking solutions to the market, some Bell Labs and Nortel alumni decided to reenergize BNR in 2017. Today it is the successor in interest to many of the key telecommunications technologies.

17. The BNR Patent portfolio comprises hundreds of patents that reflect important developments in telecommunications that were invented and refined by leading technology

research companies, including Agere, LSI, and Broadcom. These include U.S. Patent Nos. RE 48,629, 8,416,862, and 7,564,914 (collectively, these patents comprise the “Asserted Patents”).

18. Portions of the BNR portfolio are presently licensed and/or were previously licensed to leading technology companies.

19. BNR brings this action to put a stop to the Defendants’ unauthorized and unlicensed use of the Asserted Patents.

U.S. PATENT NO. RE 48,629

20. Jason Alexander Trachewsky and Rajendra T. Moorti are the inventors of U.S. Patent No. RE 48,629 (the ’629 patent). A true and correct copy of the ’629 patent is attached as Exhibit A.

21. On July 6, 2021, the ’629 patent was duly and legally reissued by the United States Patent and Trademark Office under the title “Backward-compatible Long Training Sequences for Wireless Communication Networks.”

22. BNR is the assignee and owner of the right, title and interest in and to the ’629 patent, including the right to assert all causes of action arising under the Patent and the right to any remedies for infringement of it.

23. The ’629 patent resulted from the pioneering efforts of Messrs. Trachewsky and Moorti (hereinafter “the Inventors”) in the general area of wireless communication systems and more particularly to long training sequences of minimum peak-to-average power ratio which may be used in legacy systems. At the time of these pioneering efforts, conventionally implemented technology did not sufficiently address the problem of different wireless devices compliant with different standards or different versions of the same standard while enabling backward compatibility with legacy devices that avoids collisions. For example, in the 802.11a and 802.11g standards, each data packet starts with a preamble which includes a short training

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