

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BANDSPEED, LLC,

Plaintiff,

v.

BROADCOM INTEGRATED CIRCUIT
(SHANGHAI) CO., LTD. D/B/A BEKEN
CORPORATION,

Defendant.

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CASE NO. 1:21-cv-430

COMPLAINT

Plaintiff Bandspeed, LLC (“Bandspeed”), by and through its attorneys, files its Complaint against defendant Broadcom Integrated Circuit (Shanghai) Co., Ltd. d/b/a Beken Corporation (“Defendant” or “Beken Corp.”), and hereby alleges as follows:

I. NATURE OF ACTION

1. This is a patent infringement action to end Defendant’s unauthorized and infringing manufacture, use, sale, offering for sale, and/or importation of methods and products incorporating Bandspeed’s patented inventions.

2. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 7,027,418 (“the ’418 Patent”), issued on April 11, 2006 for “Approach for Selecting Communications Channels Based on Performance.”

3. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 7,477,624 (“the ’624 Patent”), issued on January 13, 2009 for “Approach for Managing the Use of Communications Channels Based on Performance.”

4. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 7,570,614 (“the ’614 patent”), issued on August 4, 2009 for “Approach for Managing Communications Channels Based on Performance.”

5. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 7,903,608 (“the ’608 Patent”), issued on March 8, 2011 for “Approach for Managing the Use of Communications Channels Based on Performance.”

6. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 8,542,643 (“the ’643 Patent), issued on September 24, 2013 for “Approach for Managing the Use of Communications Channels Based on Performance.”

7. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 8,873,500 (“the ’500 Patent), issued on October 28, 2014 for “Approach for Managing the Use of Communications Channels Based on Performance.”

8. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 9,379,769 (“the ’769 Patent), issued on June 28, 2016 for “Approach for Managing the Use of Communications Channels Based on Performance.”

9. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 9,883,520 (“the ’520 Patent), issued on January 30, 2018 for “Approach for Managing the Use of Communications Channels Based on Performance.”

10. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 10,602,528 (’528 Patent), issued on March 24, 2020 for “Approach for Managing the Use of Communication Channels Based on Performance.”

11. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 10,791,565 ('565 Patent), issued on September 29, 2020 for “Approach for Managing the Use of Communications Channels Based on Performance.”

12. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 10,887,893 (“the '893 Patent”), issued on January 5, 2021 for “Approach for Managing the Use of Communications Channels Based on Performance.”

13. Bandspeed is the owner of all right, title, and interest in and to United States Patent No. 10,999,856 (the '856 Patent”), issued on May 4, 2021 for “Approach for Managing the Use of Communications Channels Based on Performance.”

14. The '418 Patent, '624 Patent, '614 Patent, '608 Patent, '643 Patent, '500 Patent, '769 Patent, '520 Patent, '528 Patent, '565 Patent, '893 Patent, and '856 Patent are, collectively, the “Bluetooth Classic Patents.”

15. The '608 Patent, '643 Patent, '500 Patent, '769 Patent, '520 Patent, '528 Patent, '565 Patent, '893 Patent, and '856 Patent are, collectively, the “LE Patents.”

16. The Bluetooth Classic Patents and the LE Patents are, collectively, the “Patents.”

17. Bandspeed has all substantial right and interest to the Patents, including all rights to recover for all past and future infringement thereof.

18. Upon information and belief, Defendant has been and currently is infringing, contributing to the infringement of, and/or inducing the infringement of Bandspeed’s Patents, by, among other things, making, using, selling, importing, and/or offering for sale, within the territorial boundaries of the United States and the State of Texas, products that are covered by one or more claims of Bandspeed’s Patents and inducing such conduct by others.

19. Defendant manufactures, provides, sells, offers for sale, imports, and/or distributes Infringing Products (as defined herein) and services; and/or induces others to make and use of its Infringing Products and services in an infringing manner; and/or contributes to the making and use of Infringing Products and services by others, including its customers, who directly infringe the Patents.

II. THE PARTIES

20. Plaintiff Bandspeed is a Texas limited liability company with its principal place of business located in Austin, Texas.

21. Upon information and belief, Defendant Beken Corp. is a corporation organized and existing under the laws of China, with a principal place of business located at Building 41, Capital of Science and Technology Leaders, 1387 Zhangdong Road, Zhangjiang Hi-Tech Park, Pudong New Area, Shanghai, China 201203, where it may be served with process.

22. Defendant manufactures and distributes electronics. Defendant, either itself and/or through the activities of its subsidiaries or agents, makes, uses, sells, offers for sale, and/or imports throughout the United States, including within this District, products, such as electronics, semiconductor devices, and integrated circuits, that infringe the Patents, defined below.

III. JURISDICTION AND VENUE

23. This is an action for patent infringement arising under the Patent Laws of the United States, in particular 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §1331 and 1338(a). Alternatively, this Court has jurisdiction over Defendant under Fed. R. Civ P. 4(k)(2) (“Federal Claim Outside State-Court Jurisdiction”).

24. Upon information and belief, Defendant is subject to this Court’s personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, Tex. Civ. Prac. & Rem.

Code § 17.042, because (1) Defendant has done and continues to do business in Texas and the Western District of Texas; (2) Defendant has committed and continues to commit acts of patent infringement in the State of Texas, including making, using, offering to sell, and/or selling accused products in Texas, and/or importing accused products into Texas, inducing others to commit acts of patent infringement in Texas, and/or committing at least a portion of any other infringements alleged herein.

25. Upon information and belief, Defendant has purposefully directed its activities toward the State of Texas and purposefully availed itself of the privileges of conducting activities in the State of Texas. Plaintiff's causes of action for patent infringement arise out of and result from Defendant's contact with the State of Texas.

26. Upon information and belief, Defendant has solicited business in the State of Texas, transacted business within the State of Texas and/or attempted to derive financial benefit from residents of the State of Texas and the residents of this District, including benefits directly related to infringement of the Patents. Defendant has placed its products and/or services into the stream of commerce throughout the United States and has been actively engaged in transacting business in Texas and in the Western District of Texas.

27. Upon information and belief, Defendant, directly and/or through subsidiaries or intermediaries (including distributors, retailers, resellers and others), makes, imports, ships, distributes, offers for sale, sells, uses, and advertises its products and/or services in the United States, the State of Texas, and the Western District of Texas.

28. Upon information and belief, Defendant has purposefully and voluntarily placed infringing Bluetooth products into the stream of commerce by shipping Infringing Products through established distribution channels into the State of Texas, knowing or expecting that the

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