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15 *Attorneys for Plaintiff TP-Link*

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**

19 TP-Link USA Corporation )

20 Plaintiff, )

21 v. )

22 Netgear, Inc. )

23 Defendant. )  
24 )  
25 )  
26 )  
27 )  
28 )

CASE NO. \_\_\_\_\_

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**





1 reducing channel congestion, thereby increasing the efficiency of the wireless communication  
2 systems. The claims of the '550 patent include novel limitations that reflect this improved  
3 communication system, including the calculation of CQI and modifying the wireless communication  
4 system based on that calculated CQI. Using the CQI is the novel manner claimed by the '550 patent  
5 that provides faster, higher quality wireless communication for end users.

6 16. TP-Link owns by assignment the full right, title, and interest in U.S. Patent No.  
7 8,176,148, titled "Method and System for Wireless Network Configuration," which issued May 8,  
8 2012, naming Pravin S. Savkar as inventor. A copy of the '148 patent is attached as Exhibit 2.

9 17. The '148 patent is generally directed to mechanisms for automatically configuring user  
10 devices and network devices of a wireless network such as a Wi-Fi network. This automatic  
11 configuration is based on comparing hardware and software characteristics of the devices and  
12 formulating appropriate configuration plans. Characteristics of both the client device and network  
13 device are determined, capabilities are determined based on the characteristics, configuring plans are  
14 determined based at least in part on a comparison of the capabilities, and automatic configuration is  
15 performed to establish a network.

16 18. The invention claimed by the '148 patent significantly improves upon prior art wireless  
17 networks by removing constraints that previously prevented wireless networks from fully utilizing  
18 their capabilities. Specifically, the '148 patent identified a technical problem in the network setup  
19 process for prior art wireless networks that required complicated settings for encryption, network  
20 identification, and/or hardware compatibility. The complicated nature of the setup for these prior art  
21 wireless networks resulted in wireless networks with limited capabilities. The claimed technological  
22 invention of the '148 patent used novel methods to improve this complicated setup process by utilizing  
23 technical solutions to automatically determine the characteristics of the wireless system, including  
24 evaluating the compatibility of different systems, eliminating the entry of cumbersome security codes,  
25 and facilitating the process of adding multiple remote systems. This improved methodology utilized  
26 technological solutions that were not well understood, routine, or conventional at the time of invention  
27 of the '148 patent and resulted in improved wireless communication networks. By using technological  
28 solutions to perform these assessments to enhance network setup, users less knowledgeable about

1 wireless network configuration gained access to wireless networks that provide greater flexibility and  
2 convenience as compared to traditional hard-wired networks.

3 19. TP-Link owns by assignment the full right, title, and interest in U.S. Patent No.  
4 8,229,357, titled “Method and System for a Portable Wireless Range,” which issued on July 24, 2012,  
5 naming Scott David Arena as inventor. A copy of the ’357 patent is attached as Exhibit 3.

6 20. The ’357 patent generally relates to a mechanism for controlling network access in a  
7 Wi-Fi network. A first network device, such as an access point, has its own network connection and  
8 generates and transmits its own data on the network. A second device can connect to the network  
9 through the first network device. A user of the first device can control whether the first device provides  
10 network access to the second device or not. The first device can access the network whether or not  
11 the second device has network access.

12 21. The invention claimed by the ’357 patent significantly improves on prior art wireless  
13 networks by extending the range of wireless networks. Prior art wireless networks had dead spots and  
14 range limitations which adversely impacted the utility of wireless networks by reducing the mobility  
15 and connectivity of devices in these prior art wireless networks. To address the technological issues  
16 that created dead spots and/or imposed limitations on the range of a wireless network, the inventions  
17 disclosed in the ’357 patent provided for technological solutions that extend the range of devices  
18 connected to the wireless network. The ’357 patent discloses that this improved technological solution  
19 may be achieved through providing concurrent network access from one device to another device,  
20 which was a technique that was not well understood, routine, or conventional at the time of invention.  
21 Using this novel solution improved wireless network access by reducing and/or eliminating dead spots  
22 and reducing limitations on the range of a wireless network, thereby increasing the mobility and  
23 connectivity of devices connected to such a network.

24 22. TP-Link owns by assignment the full right, title, and interest in U.S. Patent No.  
25 7,672,268, titled “Systems and Methods for Implementing Double Wide Channels in a  
26 Communication System,” which issued on March 2, 2010, naming Kenneth Stanwood, Timothy Leo  
27 Gallagher, Sheldon L. Gilbert, Yair Bourlas, Charles Bergan, Sam A. Liu, and Darren Smith as  
28 inventors. A copy of the ’268 patent is attached as Exhibit 4.

1           23.     The '268 patent generally relates to a mechanism for transmitting data in a wireless  
2 communication system to support communication over single communication channels, such as over  
3 either channel A or B, and aggregated communication channels, such as over both channels A and  
4 B. The system identifies and categorizes receivers based on whether they support single channel  
5 communication (e.g., A or B) or communication over aggregated channels (e.g., A and B), buffers  
6 data accordingly, and generates data frames for transmission over a given channel by pulling data from  
7 the buffer associated with that channel and from the aggregated channels' buffer.

8           24.     The inventors of the '268 patent identified that a problem in prior art wireless  
9 communication systems is that communication over a single regulatory- or standards- compliant size  
10 channel is insufficient to support the transfer rate needs of high bandwidth users. Further, the use of  
11 larger bandwidth channels in the prior art suffers from economies of scale and flexibility—because  
12 only a small fraction of devices are capable of transmission over larger bandwidth channels—and runs  
13 afoul of regulatory requirements. The inventors of the '268 patent significantly improved these prior  
14 art systems by disclosing novel technological solutions and systems that allow the use of either two  
15 totally independent channels of one bandwidth or a combined channel of double the bandwidth in a  
16 single device. The novel '268 patent techniques further enable the use of two regulatory or standards  
17 compliant single-bandwidth channels to logically provide user data services with a double bandwidth  
18 channel, thus allowing the transport of services which have sustained or peak rates greater than can be  
19 accommodated on one single bandwidth channel. The claimed techniques for managing and logically  
20 combining two channels in a wireless system were not well understood, routine, or conventional at the  
21 time of the invention, and the '268 patent inventors' novel method for doing so increased available  
22 bandwidth while preserving economies of scale and regulatory compliance.

23           25.     TP-Link owns by assignment the full right, title, and interest in U.S. Patent No.  
24 8,774,008, titled “Real-Time Network Measurement,” which issued July 8, 2014, naming Frank Y.  
25 Ou, Thomas Richard Gonzalez, and Martin Reckleben as inventors. A copy of the '008 patent is  
26 attached as Exhibit 5.

27           26.     The '008 patent generally relates to mechanisms for data path selection in a network  
28 device. The device includes an interface circuit that receives data and measurement information and

1 a measurement circuit that identifies a quality of the network based on the received measurement  
2 information. The device also includes provisioning circuitry that selects between a first data path and  
3 a second data path over which to transmit data, based at least in part on the measurement information  
4 received.

5 27. The '008 patent discloses that network systems that enable communication between  
6 multiple devices have numerous hardware devices that may affect the transfer of data across the  
7 network. These hardware devices include, but are not limited to, routers, switches, repeaters, and/or  
8 terminals. These hardware devices create data paths, and larger networks have more intricate data  
9 paths with additional factors that impact the quality of the network. In prior art networks, monitoring  
10 devices (e.g., probes) were required to be placed at two ends of a network and work in combination to  
11 monitor the quality of the network. In the prior art networks, monitoring required stopping the flow  
12 of user data in order for test packets to be sent, which negatively impacted the transfer of data. The  
13 inventors of the '008 patent created a novel technological solution for determining network quality in  
14 real-time without hindering the flow of user data. Examples of these technological solutions to  
15 determine real-time network quality include utilizing looped-back information or other information to  
16 determine jitter, delay, throughput, bandwidth, data loss, or other aspects that reflect or provide insight  
17 to the network quality. The '008 patent further discloses controlling the transmission of data based on  
18 such real-time measurement information based on real-time monitoring of network quality without  
19 negatively impacting the flow of data, which was a novel technological solution that was not well  
20 understood, routine, or conventional at the time of invention. The novel methods and systems  
21 disclosed in the '008 patent for accomplishing this real-time monitoring of network quality and control  
22 of data transmission improved transmission quality and increased available bandwidth, resulting in  
23 improved network performance.

**CLAIMS FOR RELIEF**

**FIRST CLAIM FOR RELIEF**

**(Infringement of the '550 Patent)**

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4 28. TP-Link repeats and realleges each and every allegation contained in the paragraphs  
5 above as if fully set forth herein.

6 29. Netgear has infringed and continues to infringe the '550 patent by making, using,  
7 selling, testing, and/or importing in the United States certain products, including Netgear Orbi  
8 products, including at least products part of the Orbi 970 Series, Orbi 960 Series, Orbi 950 Series,  
9 Orbi 860 Series, Orbi 850 Series, Orbi 760 Series, Orbi 750 Series, Orbi 650 Series, Orbi Tri-Band  
10 Mesh System, and Netgear Nighthawk products, including at least products part of the Nighthawk Tri-  
11 Band Mesh Series, Nighthawk Dual-Band Mesh Series, Nighthawk Tri-Band Wi-Fi 7 Router,  
12 Nighthawk Tri-Band and Dual-Band RAXE Series Routers, Nighthawk Tri-Band and Dual-Band  
13 RAX Series Routers, and Nighthawk Tri-Band and Dual-Band LAX Series Routers.

14 30. Netgear infringes every claim limitation in at least one claim of the '550 patent, in  
15 violation of 35 U.S.C. § 271, either literally or under the doctrine of equivalents, as shown in the claim  
16 chart attached as Exhibit 6.

17 31. Netgear has been aware of the '550 patent and its infringement of the '550 patent, at  
18 least since the filing or receipt of TP-Link's complaint against Netgear regarding this issue in the  
19 International Trade Commission, but nevertheless engaged in egregious conduct and proceeded with  
20 the infringing activities with intent to infringe. Netgear's infringement is willful.

21 32. Further, Netgear has induced, and continues to induce, direct infringement of the '550  
22 patent at least by its customers and/or end users with the specific intent that such customers' and/or  
23 end users' acts infringe the '550 patent. Netgear actively induces others to infringe at least the asserted  
24 method claims through their sale of products accused of infringing the '550 patent customers in the  
25 United States. Netgear creates and distributes promotional and product literature for the accused  
26 products that is designed to instruct, encourage, enable, and facilitate the user of the accused products  
27 in a manner that directly infringes, as shown in the attached chart. *See* Exhibit 6.





1           38. Netgear infringes every claim limitation in at least one claim of the '148 patent, in  
2 violation of 35 U.S.C. § 271, either literally or under the doctrine of equivalents, as shown in the claim  
3 chart attached as Exhibit 7.

4           39. Netgear has been aware of the '148 patent and its infringement of the '148 patent, at  
5 least since the filing or receipt of TP-Link's complaint against Netgear regarding this issue in the  
6 International Trade Commission, but nevertheless engaged in egregious conduct and proceeded with  
7 the infringing activities with intent to infringe. Netgear's infringement is willful.

8           40. Further, Netgear has induced, and continues to induce, direct infringement of the '148  
9 patent at least by its customers and/or end users with the specific intent that such customers' and/or  
10 end users' acts infringe the '148 patent. Netgear actively induces others to infringe at least the asserted  
11 method claims through their sale of products accused of infringing the '148 patent to customers in the  
12 United States. Netgear creates and distributes promotional and product literature for the accused  
13 products that is designed to instruct, encourage, enable, and facilitate the user of the accused products  
14 in a manner that directly infringes, as shown in the attached chart. *See* Exhibit 7.

15           41. Netgear induces such infringing acts and knows or should have known that its actions  
16 would induce direct infringement of the '148 patent. Netgear has had actual notice of the '148 patent  
17 and its infringement of the '148 patent, at least since the filing or receipt of TP-Link's complaint  
18 against Netgear regarding this issue in the International Trade Commission. Netgear's knowledge of  
19 infringement of the '148 patent, and its continued sale, offer for sale, and/or importation of the  
20 Accused Products constitutes infringement as well as active inducement of others to infringe.

21           42. Netgear contributorily infringes through its sales and offers to sell within the United  
22 States and/or importation into the United States of components such as Wi-Fi routers and/or spare  
23 parts, constituting a material part of the '148 patent claims, knowing the same to be especially made  
24 or especially adapted for use in an infringement of the '148 patent, and not a staple article or  
25 commodity of commerce suitable for substantial non-infringing use. Due to the specific designs of  
26 the accused products, as set forth in Exhibit 7, Wi-Fi routers and components thereof such as spare  
27 parts do not have any substantial non-infringing uses.



1 products that is designed to instruct, encourage, enable, and facilitate the user of the accused products  
2 in a manner that directly infringes, as shown in the attached chart. *See* Exhibit 8.

3 49. Netgear induces such infringing acts and knows or should have known that its actions  
4 would induce direct infringement of the '357 patent. Netgear has had actual notice of the Asserted  
5 Patents at least upon the filing or service of this Complaint. Netgear's knowledge of infringement of  
6 the '357 patent, and its continued sale, offer for sale, and/or importation of the Accused Products  
7 constitutes infringement as well as active inducement of others to infringe.

8 50. Netgear contributorily infringes through its sales and offers to sell within the United  
9 States and/or importation into the United States of components such as Wi-Fi routers and/or spare  
10 parts, constituting a material part of the '357 patent claims, knowing the same to be especially made  
11 or especially adapted for use in an infringement of the '357 patent, and not a staple article or  
12 commodity of commerce suitable for substantial non-infringing use. Due to the specific designs of  
13 the accused products, as set forth in Exhibit 8, Wi-Fi routers and components thereof such as spare  
14 parts do not have any substantial non-infringing uses.

15 51. Netgear has profited from and will continue to profit from its infringing activities at  
16 TP-Link's expense. TP-Link has been and will continue to be damaged and harmed by Netgear's  
17 infringing activities.

18 **FOURTH CLAIM FOR RELIEF**

19 **(Infringement of the '268 Patent)**

20 52. TP-Link repeats and realleges each and every allegation contained in the paragraphs  
21 above as if fully set forth herein.

22 53. Netgear has infringed and continues to infringe the '268 patent by making, using,  
23 selling, testing, and/or importing in the United States certain products, including Netgear Wi-Fi  
24 products, including at least products part of the Orbi 970 Series and the Nighthawk Tri-Band Wi-Fi  
25 Router.

26 54. Netgear infringes every claim limitation in at least one claim of the '268 patent, in  
27 violation of 35 U.S.C. § 271, either literally or under the doctrine of equivalents, as shown in the claim  
28 chart attached as Exhibit 9.

1           55. Netgear has been aware of the '268 patent and its infringement of the '268 patent, at  
2 least since the filing or receipt of TP-Link's complaint against Netgear regarding this issue in the  
3 International Trade Commission, but nevertheless engaged in egregious conduct and proceeded with  
4 the infringing activities with intent to infringe. Netgear's infringement is willful.

5           56. Further, Netgear has induced, and continues to induce, direct infringement of the '268  
6 patent at least by its customers and/or end users with the specific intent that such customers' and/or  
7 end users' acts infringe the '268 patent. Netgear actively induces others to infringe at least the asserted  
8 method claims through their sale of products accused of infringing the '268 patent to customers in the  
9 United States. Netgear creates and distributes promotional and product literature for the accused  
10 products that is designed to instruct, encourage, enable, and facilitate the user of the accused products  
11 in a manner that directly infringes, as shown in the attached chart. *See* Exhibit 9.

12           57. Netgear induces such infringing acts and knows or should have known that its actions  
13 would induce direct infringement of the '268 patent. Netgear has had actual notice of the '268 patent  
14 and its infringement of the '268 patent, at least since the filing or receipt of TP-Link's complaint  
15 against Netgear regarding this issue in the International Trade Commission. Netgear's knowledge of  
16 infringement of the '268 patent, and its continued sale, offer for sale, and/or importation of the  
17 Accused Products constitutes infringement as well as active inducement of others to infringe.

18           58. Netgear contributorily infringes through its sales and offers to sell within the United  
19 States and/or importation into the United States of components such as Wi-Fi routers and/or spare  
20 parts, constituting a material part of the '268 patent claims, knowing the same to be especially made  
21 or especially adapted for use in an infringement of the '268 patent, and not a staple article or  
22 commodity of commerce suitable for substantial non-infringing use. Due to the specific designs of  
23 the accused products, as set forth in Exhibit 9, Wi-Fi routers and components thereof such as spare  
24 parts do not have any substantial non-infringing uses.

25           59. Netgear has profited from and will continue to profit from its infringing activities at  
26 TP-Link's expense. TP-Link has been and will continue to be damaged and harmed by Netgear's  
27 infringing activities.

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**FIFTH CLAIM FOR RELIEF**

**(Infringement of the '008 Patent)**

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3       60. TP-Link repeats and realleges each and every allegation contained in the paragraphs  
4 above as if fully set forth herein.

5       61. Netgear has infringed and continues to infringe the '008 patent by making, using,  
6 selling, testing, and/or importing in the United States certain products, including Netgear Orbi  
7 products, including at least products part of the Orbi 970 Series, Orbi 960 Series, Orbi 950 Series,  
8 Orbi 860 Series, Orbi 850 Series, Orbi 760 Series, Orbi 750 Series, Orbi 650 Series, Orbi Tri-Band  
9 Mesh System, and Netgear Nighthawk products, including at least products part of the Nighthawk Tri-  
10 Band Mesh Series, Nighthawk Dual-Band Mesh Series, Nighthawk Tri-Band Wi-Fi 7 Router,  
11 Nighthawk Tri-Band and Dual-Band RAXE Series Routers, Nighthawk Tri-Band and Dual-Band  
12 RAX Series Routers, and Nighthawk Tri-Band and Dual-Band LAX Series Routers.

13       62. Netgear infringes every claim limitation in at least one claim of the '008 patent, in  
14 violation of 35 U.S.C. § 271, either literally or under the doctrine of equivalents, as shown in the claim  
15 chart attached as Exhibit 10.

16       63. Netgear has been aware of the '008 patent and its infringement of the '008 patent, at  
17 least since the filing or receipt of TP-Link's complaint against Netgear regarding this issue in the  
18 International Trade Commission, but nevertheless engaged in egregious conduct and proceeded with  
19 the infringing activities with intent to infringe. On information and belief, Netgear's infringement is  
20 willful.

21       64. Netgear has profited from and will continue to profit from its infringing activities at  
22 TP-Link's expense. TP-Link has been and will continue to be damaged and harmed by Netgear's  
23 infringing activities.

**PRAYER FOR RELIEF**

TP-Link respectfully requests the following relief:

- A. That the Court enter judgment that Netgear willfully infringes each of the Asserted Patents;
- B. That the Court award damages to TP-Link for Netgear’s infringement, including interest;
- C. That the Court award treble damages and attorneys’ fees under 35 U.S.C. §§ 284 and 285;
- D. That the Court award TP-Link its statutory costs; and
- E. That the Court award TP-Link any and all other relief to which TP-Link may be entitled and that the Court may deem just, equitable, and proper.

**JURY DEMAND**

TP-Link respectfully demands a jury trial pursuant to Rule 38(b) of the Federal Rules of Civil Procedure on all claims and issues so triable.

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1 DATED: May 8, 2024

Respectfully submitted,

2 /s/ Brandon H. Brown

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