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CLERK, U.S. DISTRICT COURT
DULUTH, MINNESOTA

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Mark Sandstrom

Plaintiff(s),

vs.

Case No. 24-cv-3117 ECT/DTS
(To be assigned by Clerk of District Court)

**NOKIA CORPORATION AND
NOKIA OF AMERICA CORP.**

DEMAND FOR JURY TRIAL

YES NO

Defendant(s).

(Enter the full name(s) of ALL defendants in
this lawsuit. Please attach additional sheets
if necessary).

COMPLAINT

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name	Mark Sandstrom
Street Address	201 N Union St 110
County, City	Alexandria VA
State & Zip Code	22314
Telephone Number	(571) 243-4680

SCANNED

AUG 01 2024 *MB*
U.S. DISTRICT COURT DULUTH

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name **NOKIA OF AMERICA CORPORATION**
Street Address **3100 Olympus Blvd.**
County, City **Dallas**
State & Zip Code **TX 75019**

b. Defendant No. 2

Name **NOKIA CORPORATION**
Street Address **600 Mountain Ave Building 5**
County, City **New Providence**
State & Zip Code **NJ 07974**

c. Defendant No. 3

Name
Street Address
County, City
State & Zip Code

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached:

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g. Additional Defendants 2.d., 2.e., etc.)

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case.

3. What is the basis for federal court jurisdiction? (check all that apply)

- Federal Question
- Diversity of Citizenship

4. If the basis for jurisdiction is Federal Question, which Federal Constitutional, statutory or treaty right is at issue? List all that apply.

Dispute under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, concerning the United States Patent Act, 35 U.S.C. § 1 et seq.

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff Name: State of Citizenship:

Defendant No. 1: State of Citizenship:

Defendant No. 2: State of Citizenship:

Attach additional sheets of paper as necessary and label this information as paragraph 5.

Check here if additional sheets of paper are attached.

6. What is the basis for venue in the District of Minnesota? (check all that apply)

- Defendant(s) reside in Minnesota
- Facts alleged below primarily occurred in Minnesota
- Other: explain

Defendant intervened in Regents of the Univ. of Minn. v. AT&T Mobility LLC, Civil 14-4666, and as a foreign-based entity, may be sued in any judicial district in the US.

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Each paragraph must be numbered

separately, beginning with number 7. Please write each single set of circumstances in a separately numbered paragraph.

7.

Please see the attached Additional Facts for the grounds for this this declaratory judgment action.

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached:

Please label the attached sheets of paper to as Additional Facts and continue to number the paragraphs consecutively.

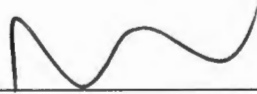
REQUEST FOR RELIEF

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

Plaintiff respectfully requests that this Court enter judgment in its favor as follows and award Plaintiff the following relief:

- (a) adjudge and declare that Defendant's US activities, to the degree they use the BIER standards, require license for Plaintiff's US patent 8619769 as claim-charted in Exhibit 1;**
- (b) award Plaintiff the costs of this action, along with reasonable expenses to the fullest extent permitted by law; and,**
- (c) award Plaintiff all other relief, in law or equity, to which Plaintiff is entitled.**

Signed this 31st day of July 2024

Signature of Plaintiff  _____

Mailing Address **201 N Union St. 110
Alexandria VA 22314**

Telephone Number **(571) 243-4680**

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MINNESOTA DISTRICT**

MARK SANDSTROM,

Plaintiff,

v.

NOKIA CORPORATION AND NOKIA OF
AMERICA CORP.,

Defendant.

Civil Action No. _____

ADDITIONAL FACTS FOR COMPLAINT FOR DECLARATORY JUDGMENT

Mark Sandstrom (“Plaintiff”) hereby alleges the following additional facts for its Complaint (“Complaint”) against Nokia of America Corporation, including its affiliates under common ownership or control, namely, its corporate parent Nokia of America Corporation, (“Nokia”), (collectively, the “Parties”), as follows.

INTRODUCTION

8. Plaintiff brings this declaratory judgment action based on Parties dispute over whether Defendant can use in the U.S. certain network protocol standards, claim-charted to certain Plaintiff’s U.S. patent claims, as detailed below, without a license for Plaintiff’s patents.

NATURE OF THE ACTION

9. This is an action under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, concerning conditional patent infringement arising under 28 U.S.C. §§ 1331, 1338 and the United States Patent Act, 35 U.S.C. § 1 et seq., including 35 U.S.C. § 271, seeking a declaratory judgment

(DJ) that Defendant's activities in the US using certain network protocol standards, as detailed in the following, need a license for the corresponding claim-charted patent.

10. The Bit Index Explicit Replication (BIER) standards require presence of at least claims 14 and 22 of the US patent 8619769 (the "Patent") as shown in claim charts of Exhibit 1.

11. Defendant has been made aware of, and been offered for evaluation under an NDA, these claim charts showing that the BIER standard implementations practice Patent, e.g. via the June 29, 2024 letter in Exhibit 3.

12. The Patent is valid, enforceable and in full force and effect, and is owned by the Plaintiff.

THE PARTIES

13. Plaintiff Sandstrom is the named inventor of each of the above patents, with a mailing address of 201 N Union St #110, Alexandria VA 22314.

14. Plaintiff is the owner of the Patent as shown by the assignment per Exhibit 2.

15. Defendant Nokia is a corporation organized under the laws of the Finland, having a wholly-owned US-subsiary, Nokia of America Corporation, a company organized under the laws of Delaware, with corporate offices at 3100 Olympus Blvd., Dallas, TX 75019.

JURISDICTION AND VENUE

16. This is a declaratory judgement action under 28 U.S.C. §§ 2201-2202, concerning conditional patent infringement under 35 U.S.C. § 1 et seq. This Court has subject matter jurisdiction at least under 28 U.S.C. §§ 1331, 1332 and/or 1338.

17. Venue is proper in this District under 28 U.S.C. § 1391 and/or 1400(b) because Defendant as a foreign-based entity may be sued in any judicial district in the US.

18. This Court has personal jurisdiction over Defendant pursuant to due process and/or because Defendant has availed itself of the rights, benefits, and privileges of this Court by bringing patent action matters, for example, as an intervenor in *Regents of the Univ. of Minn. v. AT&T Mobility LLC*, Civil 14-4666 (JRT/TNL) (D. Minn. Feb. 23, 2024).

BACKGROUND

19. On June 1 and June 29, 2024, Plaintiff sent to Defendant letters conditionally, and limited certain customer deployments, authorizing their usage of the Patent. Exhibit 3.

20. On July 26, 2024, Defendant however rejected the offered authorization, in their letter to the US ITC concerning complaint Docket Number 3761¹ asserting the Patent against certain importers:

M. Scott Stevens

E-mail: Scott.Stevens@alston.com

July 26, 2024

Hon. Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, S.W.
Washington, DC 20436

Re: *In the Matter of Certain Network Switching and Routing Equipment Supporting Bit Indexed Explicit Replication (BIER)*. Inv. No. 337-3761

Dear Secretary Barton,

We represent Nokia of America Corporation. Without prior warning or discussion with Nokia, Optimum has now filed its third case alleging that Nokia is somehow Optimum's domestic industry. We write to inform the Commission that this is not the case and, accordingly, to respectfully ask that the Commission decline institution of the above-captioned investigation. The

21. In response, Defendant was asked to confirm that, with the offered authorization withdrawn, that they will license the Patent before continuing the associated activities. Exhibit 4.

¹ <https://www.federalregister.gov/documents/2024/07/18/2024-15756/notice-of-receipt-of-complaint-solicitation-of-comments-relating-to-the-public-interest>

22. Absent a credible confirmation to that effect, or a license under the Patent, Defendant's posture and apparent plans to continue its activities practicing the Patent, for which the authorization was offered but subsequently, in writing, refused and withdrawn by the Parties (Ex:s 3-5), have caused a justiciable dispute among the Parties as to whether Defendant may continue their no-longer-authorized Patent practicing activities without a license, e.g. per [https://www.lightwaveonline.com/fttx/pon-systems/article/14289643/knoxville-utilities-board-to-support-xgs-pon-rollout-with-nokia](https://www.lightwaveonline.com/fttx/pon-systems/article/14289643/knoxville-utilities-board-to-support-xgs-pon-rollout-with-nokia-ip-core-delivered-by-lightspeed-technologies)

<https://www.lightwaveonline.com/fttx/pon-systems/article/14289643/knoxville-utilities-board-to-support-xgs-pon-rollout-with-nokia>

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FTTX > PON/SYSTEMS

Knoxville Utilities Board to support XGS-PON rollout with Nokia IP core delivered by Lightspeed Technologies

KUB announced plans in December 2021 for a multi-million-dollar FTTH deployment to bring multi-gigabit broadband to its more than 478,000 municipal customers. The project comprises a pair of phases.

Knoxville Utilities Board (KUB) has chosen LightSpeed Technologies, Inc. to deliver IP core network technology from Nokia (NYSE: NOK) to support core and middle mile infrastructure for a planned XGS-PON fiber to the home (FTTH) deployment. LightSpeed is a Nokia partner and systems integrator.

KUB announced plans in December 2021 for a multi-million-dollar FTTH deployment to bring multi-gigabit broadband to its more than 478,000 municipal customers. The project comprises a pair of phases. Phase one includes the construction of the fiber network backbone, which will run along KUB's current electrical lines. Phase two will expand the network to additional areas and will continue until fiber is deployed across KUB's entire electric service territory, which includes Knoxville and seven adjacent counties.

TEMPO
Inspect, Test and Certify Fiber Networks with Confidence.
• Optical Power Meters
• Stabilized Laser Source
• Optical Loss Test Sets
• Fiber Inspection Probes

NEW
Gigabit fiber can add \$326B to U.S. GDP, says FBA/RVA study

FBA 2024 fiber broadband product roundup

Broadband and optical movers

The screenshot shows the Lightwave + BTR website interface. The search bar at the top contains the text "Nokia 7750 Service Routers". Below the search bar, the main content area displays the search results for this query. The first result is a text snippet: "For the IP core network, Lightspeed is supplying **Nokia 7750 Service Routers**". Below this, there are two paragraphs of text. The first paragraph states: "KUB believes broadband services should be available regardless of where you live. Partnering with LightSpeed helps us to bridge the digital divide throughout the communities we serve," adds Andrew Hmielewski, KUB Director of Fiber Operations. "We are grateful to be Knoxville's hometown utility, and we look forward to enhancing our service capabilities and continuing to help our community grow in the years to come." The second paragraph states: "We were thrilled to be selected by KUB to help expand their utility services with state-of-the-art fiber broadband capabilities, further enabling KUB to provide municipality customers with affordable Internet, voice and TV services," comments John Brannon, CEO of LightSpeed Technologies. "Our award-winning leadership, engineering, and operations team brings a wealth of experience and knowledge of XGS-PON deployments to this project. We look forward to partnering with other utilities and co-ops to add services and enhance capabilities for their customers." At the bottom of the search results, there are search filters: "7750", "Highlight All", "Match Case", "Match Diacritics", and "Whole Words", with "1 of 1 match" shown.

23. Nokia 7750-SR, per above, is inter-op tested to support the BIER standard practicing the Patent per the claim charts in Exhibit 1, e.g. per <https://eantc.de/wp-content/uploads/2023/12/EANTC-MPLSSDNInterop2024-TestReport-v1.3.pdf>:

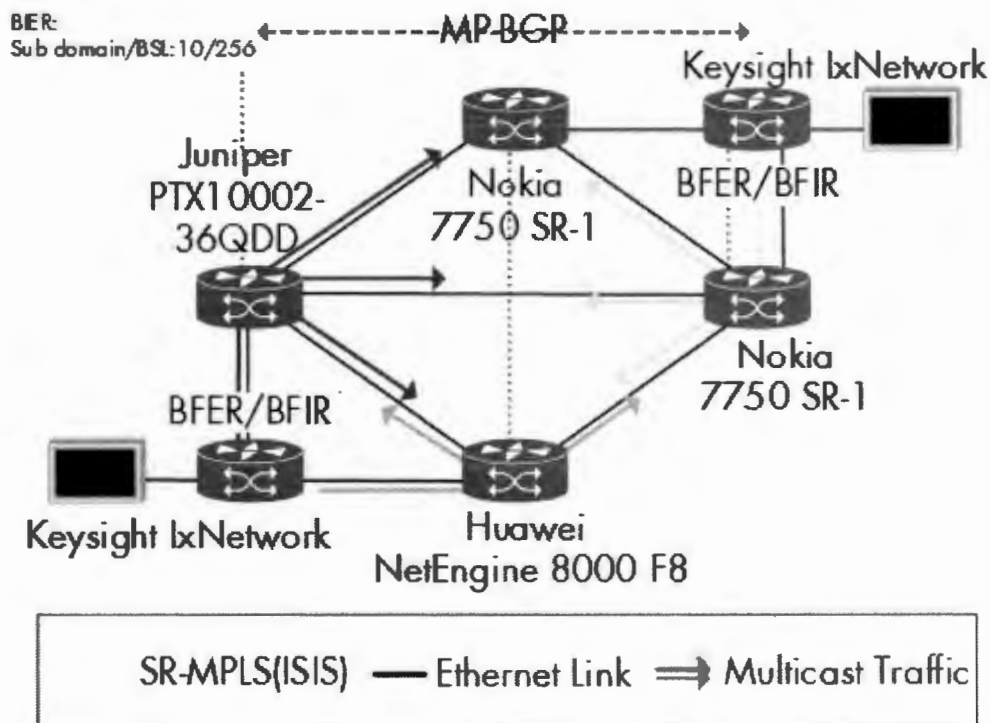


Figure 47: BIER Test Topology

24. Accordingly, Plaintiff requests the Court to adjudicate the parties' dispute on whether Defendant, to degree that their US activities use the BIER standard, needs a license for the Patent, in view of the claim-charts showing that BIER standards require each feature of each claim in the charts. Exhibit 1.

25. Given Defendant's hostile posture, e.g. their sudden request to not institute the investigation based on the Complaint DN. 3761, and their unpredictable behavior, including making a written agreement offer to the complainant in that ITC case one day before their about-face and taking contrary positions before the ITC in their July 26 letter per ¶ 21²⁰ – apparently sent once Defendant understood that their counsels' tactics, seeking to extort from Complainant rights to the Patent in exchange of implied promise of not filing their non-institution request, besides illegal as amounting to abuse of process, were not going to succeed. This controversy is of

sufficient immediacy and reality to warrant the issuance of a DJ on whether Defendant's US activities need a license under the Patent to the degree that they are using the BIER standard. For the Patent, as a right to exclude unlicensed implementers, to serve its Congressional intended purpose, the controversy of whether Defendant may use the BIER protocol without a license for the Patent has to be resolved speedily. And while the present controversy, concerning application of US patent laws to the question of whether Defendant may use the standards at issue in the US without a license for the Patent, is evidently justiciable, the requested DJ will effectively resolve and terminate that controversy, such that the DJ is appropriate under FRCP 57.

COUNT I: DECLARATORY JUDGMENT THAT DEFENDANT NEEDS LICENSE FOR THE PATENT TO USE THE B.I.E.R. STANDARD IN THE U.S.

26. Plaintiff incorporates by reference the preceding paragraphs as though fully set forth herein.

27. Plaintiff has informed Defendant that they need a license for the Patent to the degree they use the BIER standard in the U.S., and that a claim-chart to such effects exists.

28. It is evident in Defendant's conduct that they do not intend to license the Patent, irrespective of whether they would be continuing the no-longer-authorized Patent activities per section BACKGROUND above, and in view of the reality that Defendant is unlikely in practice to stop its ongoing role as BIER-supporting technology supplier for their customer projects per ¶ 22

~~20.~~ This controversy is of sufficient immediacy and reality to warrant the issuance of a declaratory judgment on whether Defendant, to the degree they use the BIER standard in the US, needs a license for the Patent.

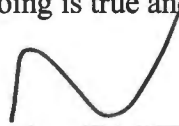
PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in its favor as follows and award Plaintiff the following relief:

- (a) adjudge and declare that Defendant's US activities, to the degree they use the BIER standards, require license for Plaintiff's US patent 8619769 as claim-charted in Exhibit 1;
- (b) award Plaintiff the costs of this action, along with reasonable expenses to the fullest extent permitted by law; and,
- (c) award Plaintiff all other relief, in law or equity, to which Plaintiff is entitled.

I state under penalty of perjury that the foregoing is true and correct.

Dated: July 31, 2024



Mark Sandstrom
201 N Union St #110
Alexandria VA 22314
Telephone: 571 243 4680