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5 Attorneys for Plaintiff  
6 **INNOVATIVE WIRELESS SOLUTIONS,**  
**LLC**

7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
10 **SOUTHERN DIVISION**

11 **INNOVATIVE WIRELESS**  
**SOLUTIONS, LLC,**

12 Plaintiff,

13 v.

14 **D-LINK SYSTEMS, INC.,**

15 Defendant.

Civil Case No. SA CV 13-1814

**COMPLAINT FOR PATENT**  
**INFRINGEMENT**

**JURY TRIAL DEMANDED**

16  
17 **COMPLAINT FOR PATENT INFRINGEMENT**

18 Plaintiff Innovative Wireless Solutions, LLC (“IWS” or “Plaintiff”), by way  
19 of its Complaint for Patent Infringement (“Complaint”) against Defendant D-Link  
20 Systems, Inc. (“D-Link” or “Defendant”), alleges as follows:

21 **JURISDICTION AND VENUE**

22 1. This is a civil action for patent infringement arising under the patent  
23 laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter  
24 jurisdiction over such Federal Question claims pursuant to 28 U.S.C. §§ 1331 and  
25 1338(a).

26 2. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391 and  
27 1400(b).  
28



1 Office. A true and correct copy of the '895 Patent is attached as Exhibit A to this  
2 Complaint.

3 8. On December 4, 2001, U.S. Patent Number 6,327,264 (the "'264  
4 Patent"), entitled "INFORMATION NETWORK ACCESS APPARATUS AND  
5 METHODS FOR COMMUNICATING INFORMATION PACKETS VIA  
6 TELEPHONE LINES," was duly and legally issued by the United States Patent and  
7 Trademark Office. A true and correct copy of the '264 Patent is attached as Exhibit  
8 B to this Complaint.

9 9. On July 1, 2003, U.S. Patent Number 6,587,473 (the "'473 Patent"),  
10 entitled "INFORMATION NETWORK ACCESS APPARATUS AND METHODS  
11 FOR COMMUNICATING INFORMATION PACKETS VIA TELEPHONE  
12 LINES," was duly and legally issued by the United States Patent and Trademark  
13 Office. A true and correct copy of the '473 Patent is attached as Exhibit C to this  
14 Complaint.

15 10. IWS is the assignee and owner of the right, title and interest in and to  
16 the '895, '264 and '473 Patents (collectively, the "patents-in-suit"), including the  
17 right to assert all causes of action arising under said patents and the right to any  
18 remedies for infringement.

19 **COUNT I**

20 **(INFRINGEMENT OF U.S. PATENT NO. 5,912,895)**

21 11. The allegations set forth in the foregoing paragraphs 1 through 10 are  
22 hereby realleged and incorporated herein by reference.

23 12. IWS provided actual notice to Defendant of its infringement of the  
24 '895 Patent in a letter dated October 18, 2013 from IWS to Defendant. In this  
25 letter, IWS informed Defendant that it was infringing the '895 Patent by making,  
26 using, offering for sale, selling, and/or importing wireless access points and/or  
27 routers capable of connecting to an Ethernet network and an IEEE 802.11 wireless  
28 network (the "'895 Patent Accused Products") to provide wireless Internet access.

1           13. IWS's letter further informed Defendant that its wireless network  
2 satisfied all of the limitations of at least claim 48 of the '895 Patent in at least the  
3 following manner:

4           a. The '895 Patent Accused Products provide communication with  
5 a CSMA/CD network (an Ethernet network) via a bidirectional  
6 communications path (the wireless path).

7           b. The '895 Patent Accused Products are located at a first end of  
8 the wireless path and include an Ethernet interface to an Ethernet network.  
9 Ethernet is a CSMA/CD technology. The '895 Patent Accused Products  
10 include a buffer for buffering information packets received from the Ethernet  
11 network via the Ethernet interface for supply to the wireless path. The '895  
12 Patent Accused Products also include a buffer for buffering information  
13 packets received from the wireless path for supply to the Ethernet network  
14 via the Ethernet interface. The '895 Patent Accused Products also include a  
15 controller that implements the control protocol as defined in IEEE 802.11.

16           c. A station is connected at a second end of the wireless path. The  
17 station includes a buffer for buffering information packets received from the  
18 wireless path, a buffer for buffering information packets to be supplied to the  
19 wireless path, and a controller.

20           d. The controller in the '895 Patent Accused Products and the  
21 controller in the station are arranged to exchange control information over  
22 the wireless path so as to allow information packets to be communicated bi-  
23 directionally over the wireless path between the buffers of the '895 Patent  
24 Accused Products and the station in a half-duplex manner.

25           14. IWS's letter further informed Defendant that it was inducing  
26 infringement of the '895 Patent under 35 U.S.C. § 271(b) by actively aiding and  
27 abetting others to engage in the following actions that constitute direct  
28 infringement: (1) performing the steps of the method claims in connection with use

1 of the '895 Patent Accused Products; (2) using the '895 Patent Accused Products;  
2 and (3) combining the '895 Patent Accused Products with other components to  
3 form the claimed invention. This letter further explained that such other entities  
4 include, for example, Defendant's partners, customers and end users of the '895  
5 Patent Accused Products. This letter further explained that Defendant's acts of  
6 inducement include but are not limited to advertising, offering for sale, and selling  
7 the '895 Patent Accused Products, and providing user manuals, product  
8 documentation, and other instructions regarding the use of the wireless networking  
9 features of the '895 Patent Accused Products.

10 15. IWS's letter also informed Defendant that it was contributing to  
11 infringement of the '895 Patent under 35 U.S.C. § 271(c) by providing the '895  
12 Patent Accused Products to others, including its partners, customers, and end users,  
13 because the '895 Patent Accused Products constitute a material part of the  
14 invention, were especially made or especially adapted for use in an infringement of  
15 the '895 Patent, and have no substantial non-infringing uses. IWS further identified  
16 within this letter that, for example, the '895 Patent Accused Products constitute a  
17 material part of the claimed invention at least because they contain the components  
18 that interface a wireless network to an Ethernet network and provide control  
19 information to the wireless devices as claimed in the '895 Patent. Further, IWS  
20 explained that the '895 Patent Accused Products were made or especially adapted  
21 for use in an infringement of the '895 Patent and have no substantial non-infringing  
22 uses at least because they contain components whose only purpose is to interface a  
23 wireless network to an Ethernet network and provide control information to the  
24 wireless devices as claimed in the '895 Patent.

25 16. Defendant has had actual knowledge of the '895 Patent and its  
26 infringement of that patent since at least the date that Defendant received the  
27 October 18, 2013 notice letter from IWS.  
28

1           17. In violation of 35 U.S.C. § 271(a), Defendant has directly infringed  
2 and continues to directly infringe, both literally and under the doctrine of  
3 equivalents, the '895 Patent by making, using, offering to sell, and selling in the  
4 United States, and importing into the United States, products that practice the  
5 subject matter claimed in one or more claims of the '895 Patent, including but not  
6 limited to claim 48, without the authority of IWS. The '895 Patent Accused  
7 Products include, but are not limited to, Defendant's wireless base stations, wireless  
8 access points and wireless routers including, but not limited to, Defendant's IEEE  
9 802.11 compliant wireless access points and wireless routers such as its D-Link  
10 Dual-Band Gigabit Cloud Router - Wireless N600.

11           18. Upon information and belief, Defendant has induced and continues to  
12 induce others to infringe the '895 Patent under 35 U.S.C. § 271(b) by, and with  
13 specific intent or willful blindness, actively aiding and abetting others to engage in  
14 the following actions that constitute direct infringement: (1) performing the steps  
15 of the method claims in connection with use of the '895 Patent Accused Products;  
16 (2) using the '895 Patent Accused Products; and (3) combining the '895 Patent  
17 Accused Products with other components to form the claimed invention. Such  
18 other entities include, for example, Defendant's partners, customers and end users  
19 of the '895 Patent Accused Products. Defendant's acts of inducement include its  
20 advertising, offering for sale, and selling the '895 Patent Accused Products, and  
21 providing user manuals, product documentation, and other instructions regarding  
22 the use of the wireless networking features of the '895 Patent Accused Products.  
23 On information and belief, Defendant has engaged in such actions with specific  
24 intent to cause infringement or with willful blindness to the resulting infringement  
25 because Defendant has had actual knowledge of the '895 Patent and that its acts  
26 were inducing others to infringe the '895 Patent since at least the date it received  
27 the notice letter from IWS notifying Defendant of its infringement of the '895  
28 Patent.

1           19.     Upon information and belief, Defendant has committed and continues  
2 to commit acts of contributory infringement of the '895 Patent under 35 U.S.C.  
3 § 271(c) by offering to sell, selling, and importing the '895 Patent Accused  
4 Products. The '895 Patent Accused Products constitute a material part of the  
5 invention, were especially made or especially adapted for use in an infringement of  
6 the '895 Patent, and have no substantial non-infringing uses. The '895 Patent  
7 Accused Products constitute a material part of the claimed invention at least  
8 because they contain the components that interface a wireless network to an  
9 Ethernet network and provide control information to the wireless devices as  
10 claimed in the '895 Patent. Further, the '895 Patent Accused Products were made  
11 or especially adapted for use in an infringement of the '895 Patent and have no  
12 substantial non-infringing uses at least because they contain components whose  
13 only purpose is to interface a wireless network to an Ethernet network and provide  
14 control information to the wireless devices as claimed in the '895 Patent.  
15 Defendant has known or remained willfully blind to these facts since at least the  
16 date it received the notice letter from IWS detailing Defendant's infringement of  
17 the '895 Patent.

18           20.     IWS has been harmed by the Defendant's infringing activities.

19           21.     IWS notified Defendant of its infringement of the '895 Patent  
20 including an identification of the particular infringing products and features, but  
21 Defendant thereafter continued to infringe the '895 Patent by continuing the  
22 activities described in Paragraph 12-15. On information and belief, Defendant has  
23 not obtained an opinion of counsel regarding the '895 Patent. The Defendant's  
24 continued infringement has therefore been in reckless disregard of IWS's patent  
25 rights. On information and belief, the Defendant's infringement has been and  
26 continues to be willful.



**COUNT II**

**(INFRINGEMENT OF U.S. PATENT NO. 6,327,264)**

1  
2  
3 22. The allegations set forth in the foregoing paragraphs 1 through 21 are  
4 hereby realleged and incorporated herein by reference.

5 23. IWS provided actual notice to Defendant of its infringement of the  
6 '264 Patent in a letter dated October 18, 2013 from IWS to Defendant. In this  
7 letter, IWS informed Defendant that it was infringing the '264 Patent by making,  
8 using, offering for sale, selling, and/or importing wireless access points and/or  
9 routers capable of connecting to an Ethernet network and an IEEE 802.11 wireless  
10 network (the "'264 Patent Accused Products") to provide wireless Internet access.

11 24. IWS's letter further informed Defendant that its wireless network  
12 satisfied all of the limitations of at least claim 5 of the '264 Patent in at least the  
13 following manner:

14 a. The '264 Patent Accused Products allow wireless devices to  
15 connect to a network.

16 b. The '264 Patent Accused Products include an Ethernet interface  
17 for coupling to an Ethernet network. Ethernet is a CSMA/CD technology.

18 c. The '264 Patent Accused Products include a wireless interface  
19 for coupling to the wireless network which provides a wireless bidirectional  
20 communications path.

21 d. The '264 Patent Accused Products include a controller that  
22 implements a control protocol as defined in IEEE 802.11. In accordance  
23 with the wireless protocol, the controller provides information that controls  
24 when wireless devices connected to the network are allowed to transmit,  
25 thereby causing the communications over the wireless network to occur in a  
26 half-duplex manner.

27 e. The '264 Patent Accused Products include a first buffer that  
28 holds frames received from the Ethernet network via the Ethernet interface



1 and then supplies those frames via the wireless interface to the wireless  
2 network.

3 f. The '264 Patent Accused Products include a second buffer that  
4 holds frames received from the wireless network via the wireless interface  
5 and then supplies those frames via the Ethernet interface to the Ethernet  
6 network.

7 25. IWS's letter further informed Defendant that it was inducing  
8 infringement of the '264 Patent under 35 U.S.C. § 271(b) by actively aiding and  
9 abetting others to engage in the following actions that constitute direct  
10 infringement: (1) performing the steps of the method claims in connection with use  
11 of the '264 Patent Accused Products; (2) using the '264 Patent Accused Products;  
12 and (3) combining the '264 Patent Accused Products with other components to  
13 form the claimed invention. This letter further explained that such other entities  
14 include, for example, Defendant's partners, customers and end users of the '264  
15 Patent Accused Products. This letter further explained that Defendant's acts of  
16 inducement include but are not limited to advertising, offering for sale, and selling  
17 the '264 Patent Accused Products, and providing user manuals, product  
18 documentation, and other instructions regarding the use of the wireless networking  
19 features of the '264 Patent Accused Products.

20 26. Defendant has had actual knowledge of the '264 Patent and its  
21 infringement of that patent since at least the date that Defendant received the  
22 October 18, 2013 notice letter from IWS.

23 27. In violation of 35 U.S.C. § 271(a), Defendant has directly infringed  
24 and continues to directly infringe, both literally and under the doctrine of  
25 equivalents, the '264 Patent by making, using, offering to sell, and selling in the  
26 United States, and importing into the United States, products that practice the  
27 subject matter claimed in one or more claims of the '264 Patent, including but not  
28 limited to claim 5, without the authority of IWS. The '264 Patent Accused

1 Products include, but are not limited to, Defendant's wireless base stations, wireless  
2 access points and wireless routers including, but not limited to, Defendant's IEEE  
3 802.11 compliant wireless access points and wireless routers such as its D-Link  
4 Dual-Band Gigabit Cloud Router - Wireless N600.

5 28. Upon information and belief, Defendant has induced and continues to  
6 induce others to infringe the '264 Patent under 35 U.S.C. § 271(b) by, and with  
7 specific intent or willful blindness, actively aiding and abetting others to engage in  
8 the following actions that constitute direct infringement: (1) performing the steps  
9 of the method claims in connection with use of the '264 Patent Accused Products;  
10 (2) using the '264 Patent Accused Products; and (3) combining the '264 Patent  
11 Accused Products with other components to form the claimed invention. Such  
12 other entities include, for example, Defendant's partners, customers and end users  
13 of the '264 Patent Accused Products. Defendant's acts of inducement include  
14 advertising, offering for sale, and selling the '264 Patent Accused Products, and  
15 providing user manuals, product documentation, and other instructions regarding  
16 the use of the wireless networking features of the '264 Patent Accused Products.  
17 On information and belief, Defendant has engaged in such actions with specific  
18 intent to cause infringement or with willful blindness to the resulting infringement  
19 because Defendant has had actual knowledge of the '264 Patent and that its acts  
20 were inducing others to infringe the '264 Patent since at least the date it received  
21 the notice letter from IWS notifying Defendant of its infringement of the '264  
22 Patent.

23 29. IWS has been harmed by the Defendant's infringing activities.

24 30. IWS notified Defendant of its infringement of the '264 Patent  
25 including an identification of the particular infringing products and features, but  
26 Defendant thereafter continued to infringe the '264 Patent by continuing the  
27 activities described in Paragraph 23-25. On information and belief, Defendant has  
28 not obtained an opinion of counsel regarding the '264 Patent. The Defendant's

1 continued infringement has therefore been in reckless disregard of IWS's patent  
2 rights. On information and belief, the Defendant's infringement has been and  
3 continues to be willful.

4 **COUNT III**

5 **(INFRINGEMENT OF U.S. PATENT NO. 6,587,473)**

6 31. The allegations set forth in the foregoing paragraphs 1 through 30 are  
7 hereby realleged and incorporated herein by reference.

8 32. IWS provided actual notice to Defendant of its infringement of the  
9 '473 Patent in a letter dated October 18, 2013 from IWS to Defendant. In this  
10 letter, IWS informed Defendant that it was infringing the '473 Patent by making,  
11 using, offering for sale, selling, and/or importing wireless access points and/or  
12 routers capable of connecting to an Ethernet network and an IEEE 802.11 wireless  
13 network (the "'473 Patent Accused Products") to provide wireless Internet access.

14 33. IWS's letter further informed Defendant that its wireless network  
15 satisfied all of the limitations of at least claim 40 of the '473 Patent in at least the  
16 following manner:

17 a. The '473 Patent Accused Products provide communication  
18 between a CSMA/CD network (an Ethernet network) and a bidirectional  
19 communications path (the wireless path).

20 b. The '473 Patent Accused Products include an Ethernet interface  
21 that contains an Ethernet modem that receives information packets from an  
22 Ethernet network.

23 c. The '473 Patent Accused Products transmit the information  
24 packets over the wireless path in a direction towards a station.

25 d. The '473 Patent Accused Products include a controller that  
26 implements the control protocol as defined in IEEE 802.11. In accordance  
27 with that protocol, the controller provides information that controls when  
28

1 stations connected to the network are allowed to transmit, thereby causing the  
2 communications over the wireless network to occur in a half-duplex manner.

3 e. The '473 Patent Accused Products receive information  
4 corresponding to information packets from the wireless path at the Ethernet  
5 modem and transmit those information packets over the Ethernet network.

6 34. IWS's letter further informed Defendant that it was inducing  
7 infringement of the '473 Patent under 35 U.S.C. § 271(b) by actively aiding and  
8 abetting others to engage in the following actions that constitute direct  
9 infringement: (1) performing the steps of the method claims in connection with use  
10 of the '473 Patent Accused Products; (2) using the '473 Patent Accused Products;  
11 and (3) combining the '473 Patent Accused Products with other components to  
12 form the claimed invention. This letter further explained that such other entities  
13 include, for example, Defendant's partners, customers and end users of the '473  
14 Patent Accused Products. This letter further explained that Defendant's acts of  
15 inducement include but are not limited to advertising, offering for sale, and selling  
16 the '473 Patent Accused Products, and providing user manuals, product  
17 documentation, and other instructions regarding the use of the wireless networking  
18 features of the '473 Patent Accused Products.

19 35. IWS's letter also informed Defendant that it was contributing to  
20 infringement of the '473 Patent under 35 U.S.C. § 271(c) by providing the '473  
21 Patent Accused Products to others, including its partners, customers, and end users,  
22 because the '473 Patent Accused Products constitute a material part of the  
23 invention, were especially made or especially adapted for use in an infringement of  
24 the '473 Patent, and have no substantial non-infringing uses. IWS further identified  
25 within this letter that, for example, the '473 Patent Accused Products constitute a  
26 material part of the claimed invention at least because they contain the components  
27 that interface a wireless network to an Ethernet network and provide control  
28 information to the wireless devices as claimed in the '473 Patent. Further, IWS

1 explained the '473 Patent Accused Products were made or especially adapted for  
2 use in an infringement of the '473 Patent and have no substantial non-infringing  
3 uses at least because they contain components whose only purpose is to interface a  
4 wireless network to an Ethernet network and provide control information to the  
5 wireless devices as claimed in the '473 Patent.

6 36. Defendant has had actual knowledge of the '473 Patent and its  
7 infringement of that patent since at least the date that Defendant received the  
8 October 18, 2013 notice letter from IWS.

9 37. In violation of 35 U.S.C. § 271(a), Defendant has directly infringed  
10 and continues to directly infringe, both literally and under the doctrine of  
11 equivalents, the '473 Patent by making, using, offering to sell, and selling in the  
12 United States, and importing into the United States, products that practice the  
13 subject matter claimed in one or more claims of the '473 Patent, including but not  
14 limited to claim 40, without the authority of IWS. The '473 Patent Accused  
15 Products include, but are not limited to, Defendant's wireless base stations, wireless  
16 access points and wireless routers including, but not limited to, Defendant's IEEE  
17 802.11 compliant wireless access points and wireless routers such as its D-Link  
18 Dual-Band Gigabit Cloud Router - Wireless N600.

19 38. Upon information and belief, Defendant has induced and continues to  
20 induce others to infringe the '473 Patent under 35 U.S.C. § 271(b) by, among other  
21 things, and with specific intent or willful blindness, actively aiding and abetting  
22 others to engage in the following actions that constitute direct infringement: (1)  
23 performing the steps of the method claims in connection with use of the '473 Patent  
24 Accused Products; (2) using the '473 Patent Accused Products; and (3) combining  
25 the '473 Patent Accused Products with other components to form the claimed  
26 invention. Such other entities include, for example, Defendant's partners,  
27 customers and end users of the '473 Patent Accused Products. Defendant's acts of  
28 inducement include advertising, offering for sale, and selling the '473 Patent

1 Accused Products, and providing user manuals, product documentation, and other  
2 instructions regarding the use of the wireless networking features of the '473 Patent  
3 Accused Products. On information and belief, Defendant has engaged in such  
4 actions with specific intent to cause infringement or with willful blindness to the  
5 resulting infringement because Defendant has had actual knowledge of the '473  
6 Patent and that its acts were inducing others to infringe the '473 Patent since at least  
7 the date it received the notice letter from IWS notifying Defendant of its  
8 infringement of the '473 Patent.

9 39. Upon information and belief, Defendant has committed and continues  
10 to commit acts of contributory infringement of the '473 Patent under 35 U.S.C.  
11 § 271(c) by offering to sell and selling the '473 Patent Accused Products. The '473  
12 Patent Accused Products constitute a material part of the invention, were especially  
13 made or especially adapted for use in an infringement of the '473 Patent, and have  
14 no substantial non-infringing uses. The '473 Patent Accused Products constitute a  
15 material part of the claimed invention at least because they contain the components  
16 that interface a wireless network to an Ethernet network and provide control  
17 information to the wireless devices as claimed in the '473 Patent. Further, the '473  
18 Patent Accused Products were made or especially adapted for use in an  
19 infringement of the '473 Patent and have no substantial non-infringing uses at least  
20 because they contain components whose only purpose is to interface a wireless  
21 network to an Ethernet network and provide control information to the wireless  
22 devices as claimed in the '473 Patent. Defendant has known or remained willfully  
23 blind to these facts since at least the date it received the notice letter from IWS  
24 detailing Defendant's infringement of the '473 Patent.

25 40. IWS has been harmed by the Defendant's infringing activities.

26 41. IWS notified Defendant of its infringement of the '473 Patent  
27 including an identification of the particular infringing products and features, but  
28 Defendant thereafter continued to infringe the '473 Patent by continuing the

1 activities described in Paragraph 32-35. On information and belief, Defendant has  
2 not obtained an opinion of counsel regarding the '473 Patent. The Defendant's  
3 continued infringement has therefore been in reckless disregard of IWS's patent  
4 rights. On information and belief, the Defendant's infringement has been and  
5 continues to be willful.

6 **JURY DEMAND**

7 IWS demands a jury trial on all issues and claims so triable.

8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, IWS prays for judgment as follows:

- 10 a. An adjudication that Defendant has infringed one or more claims of  
11 each of the patents-in-suit;
- 12 b. An award of damages to be paid by Defendant adequate to compensate  
13 IWS for past infringement of the patents-in-suit, and any continuing or future  
14 infringement through the date such judgment is entered, including interest, costs,  
15 expenses and an accounting of all infringing acts including, but not limited to,  
16 those acts not presented at trial;
- 17 c. An order that Defendant must pay an ongoing royalty in an amount to  
18 be determined for any continued infringement after the date judgment is entered;
- 19 d. An award of treble damages under 35 U.S.C. § 284;
- 20 e. A declaration finding this to be an exceptional case, and awarding IWS  
21 attorney fees under 35 U.S.C. § 285; and
- 22 f. For such further relief at law and in equity as the Court may deem just  
23 and proper.

24 DATED: November 19, 2013

/s/ H. H. (Shashi) Kewalramani  
H. H. (Shashi) Kewalramani

*Attorneys for Plaintiff*  
*Innovative Wireless Solutions, LLC*