

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

QUAD POWERLINE TECHNOLOGIES LLC,	§	
	§	
Plaintiff	§	Civil Action No. 2:14-cv-01168
	§	
v.	§	
	§	JURY TRIAL DEMANDED
D-LINK CORPORATION AND D-LINK SYSTEMS, INC.,	§	
	§	
Defendants.	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Quad Powerline Technologies LLC (hereinafter, “QPT” or “Plaintiff”), by and through its undersigned counsel, files this Original Complaint against Defendants, D-Link Corporation and D-Link Systems, Inc. (collectively, “D-Link” or “Defendants”), as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendants’ infringement of United States Patent No. 8,157,581 (the “‘581 Patent or the “Patent-in-Suit”).

PARTIES

2. Plaintiff Quad Powerline Technologies LLC is a limited liability company organized and existing under the laws of the State of Texas.

3. Upon information and belief, Defendant D-Link Corporation is a corporation organized and existing under the laws of Taiwan, with its principal place of business located at 289, Sinhu 3rd Road, Taipei City, Taipei, 11494 Taiwan.

4. Upon information and belief, Defendant D-Link Systems, Inc. is a corporation organized and existing under the laws of the state of California, with its principal place of business located at 17595 Mount Herrmann Street, Fountain Valley, California 92708.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. The Court has personal jurisdiction over Defendants, including because Defendants have minimum contacts within the State of Texas; Defendants have purposefully availed themselves of the privileges of conducting business in the State of Texas; Defendants have sought protection and benefit from the laws of the State of Texas; Defendants regularly conduct business within the State of Texas; and Plaintiff's cause of action arises directly from Defendants' business contacts and other activities in the State of Texas.

7. More specifically, Defendants, directly and/or through intermediaries, make, distribute, import, offer for sale, sell, advertise, and/or use, thermal management methods and devices, including the accused products identified herein in the State of Texas. Defendants have committed patent infringement in the State of Texas, and/or have induced others to commit and/or have contributed to patent infringement in the State of Texas. Defendants solicit customers in the State of Texas. Defendants have paying customers who are residents of the State of Texas and who purchase and/or use Defendants' infringing products and services in the State of Texas.

8. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391 and 1400(b), including because Defendants have purposefully availed themselves of the privileges of conducting business in the Eastern District of Texas; Defendants regularly conduct business within the Eastern District of Texas; and Plaintiff's cause of action arises directly from Defendants' business contacts and other activities in the Eastern District of Texas.

9. More specifically, Defendants, directly and/or through intermediaries, make, distribute,

import, offer for sale, sell, advertise, and/or use, thermal management methods and devices, including the accused products identified herein in the Eastern District of Texas. Defendants have committed patent infringement in the Eastern District of Texas, have induced others to commit infringement in the Eastern District of Texas, and/or have contributed to patent infringement in the Eastern District of Texas. Defendants solicit customers in the Eastern District of Texas. Defendants have paying customers who are residents of Eastern District of Texas and who purchase and/or use Defendants' products and services in the Eastern District of Texas.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,157,581

10. QPT refers to and incorporates herein the allegations of Paragraphs 1-9 above.

11. The '581 Patent, entitled "Thermal Management Method and Device for Powerline Communications," was duly and legally issued by the United States Patent and Trademark Office ("USPTO") on April 17, 2012 after full and fair reissue examination. Plaintiff is the owner of the '581 Patent and it has all substantial rights to the '581 Patent, including the right and standing to sue and recover damages for past, present and future infringement of the patent.

12. Upon information and belief, Defendants make, distribute, import, offer for sale, sell, advertise, and/or use, without limitation, thermal management methods and devices, namely products comprising, *inter alia*, a removable housing member, a first prong, a second prong, a communication port coupled to the first and second prongs, a spatial volume, an electronic module, a first set of air inlets and air outlets, and a second set of air inlets and air outlets. Plaintiff is informed and believes that Defendants infringe the '581 Patent by and through at least their manufacture, distribution, importation, offer to sell, sale, advertising, and/or use of the products comprising at least the following D-Link Models and/or Products: DHP-W311AV; DHP-W310AV; DHP-348AV; DHP-347AV; and DHP-310AV.

13. Additionally, or in the alternative, upon information and belief, Plaintiff is informed and believes that Defendants have induced infringement of the '581 Patent in this judicial district, the State of Texas, and elsewhere in the United States, by actions comprising intentionally inducing infringement of the '581 Patent in this judicial district, the State of Texas, and elsewhere in the United States, including by aiding or abetting at least customers and other end users to use said products. Upon information and belief, such induced infringement has occurred at least since Defendants became aware of the '581 Patent and Defendants' inducement of infringement involves Defendants' knowledge that the induced acts constitute patent infringement.

14. Additionally, or in the alternative, upon information and belief, Plaintiff is informed and believes that Defendants have contributed to infringement of the '581 Patent in this judicial district, the State of Texas, and elsewhere in the United States, by actions comprising contributing to at least the use of said products by customers and/or other end users in this judicial district, the State of Texas, and elsewhere in the United States, and such contributory infringement necessarily involves knowledge that such systems and apparatuses are especially made or especially adapted for use in an infringement of the '581 Patent, and not a staple article or commodity of commerce suitable for substantial non-infringing use.

15. Each of Defendants' aforesaid activities has been without authority and/or license from Plaintiff. Such activities constitute Defendants' infringement, and willful infringement, of the '581 patent by Defendants' making, distributing, importing, offering for sale, selling, advertising, and/or using, thermal management methods and devices, including the D-Link Products and/or Models described herein, that infringe, either directly or indirectly, the patented invention, and Defendants will continue to do so unless enjoined by the Court.

16. Plaintiff is entitled to recover from Defendants the damages sustained by Plaintiff as a

result of Defendants' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

17. Defendants' infringement of Plaintiff's exclusive rights under the '581 Patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

18. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

19. Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the Patent-in-Suit has been directly and/or indirectly infringed, either literally and/or under the doctrine of equivalents, by Defendants;
- B. An award to Plaintiff of damages adequate to compensate Plaintiff for Defendants' acts of infringement, together with pre-judgment and post-judgment interest;
- C. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendants and all persons acting in concert therewith from further acts of infringement with respect to the claims of the Patents-in-Suit;
- D. That this Court declare that Defendants' infringement is willful, including that Defendants are acting to infringe the Patents-in-Suit despite an objectively high likelihood that their actions constitute infringement of a valid patent and, accordingly, award enhanced damages, including treble damages, pursuant to 35 U.S.C. § 284;

E. That this Court declare this to be an exceptional case and award Plaintiff reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and

F. Any further relief that this Court deem just and proper.

December 30, 2014

Respectfully submitted,

/s/ John J. Edmonds

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