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8 **UNITED STATES DISTRICT COURT**
 9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 Fourte Design & Development, LLC, a
 California limited liability company,
 11
 Plaintiff,
 12
 v.
 13 Oplink Communications, Inc. a
 Delaware corporation,
 14
 Defendant.
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Case No. '14CV3035 JAH KSC

**COMPLAINT FOR PATENT
 INFRINGEMENT**

DEMAND FOR JURY TRIAL

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 17 Plaintiff Fourte Design & Development, LLC alleges as follows against
 18 Defendant Oplink Communications, Inc.:

19 **PARTIES**

20 1. Plaintiff Fourte Design & Development, LLC (“Plaintiff”) is a
 21 California limited liability company organized and existing under the laws of the
 22 State of California, with offices at 7139 Koll Center Parkway, Suite 250, Pleasanton,
 23 California 94566.

24 2. Plaintiff is informed and believes, and on that basis alleges, that
 25 Defendant Oplink Communications, Inc. (“Defendant”) is a corporation
 26 incorporated in and existing under the laws of the State of Delaware with its
 27 corporate headquarters located at 46335 Landing Parkway, Fremont, CA 94538.
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JURISDICTION AND VENUE

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2 3. This is a civil action for patent infringement arising under the patent
3 laws of the United States, 35 U.S.C. sections 1, *et seq.*

4 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C.
5 sections 1331 and 1338(a).

6 5. This Court has personal jurisdiction over Defendant and venue in this
7 judicial district is proper because, on information and belief, Defendant engages in
8 continuous and systematic business within the United States and within this judicial
9 district and/or Defendant has placed infringing products into the stream of
10 commerce by selling and/or offering to sell products into the United States and this
11 judicial district with knowledge that such products would be shipped into and/or
12 used in the United States and this judicial district.

THE PATENT-IN-SUIT

13
14 6. U.S. Patent No. 6,872,010, entitled “Fiber Optic Connector Release
15 Mechanism” (the “’010 Patent”) was duly and legally granted on March 29, 2005.
16 A true and correct copy of the ‘010 Patent is attached as **Exhibit A**.

17 7. At all times relevant to this action, Plaintiff is and has been the owner,
18 by assignment, of all right, title and interest in the ‘010 Patent.

COUNT I—INFRINGEMENT OF U.S. PATENT NO. 6,872,010

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20 8. Plaintiff re-alleges and incorporates paragraphs 1 through 7 above.

21 9. On information and belief, Defendant has been and is now directly
22 infringing the ‘010 Patent pursuant to 35 U.S.C. section 271(a) in the State of
23 California, this judicial district and elsewhere in the United States by designing,
24 making, manufacturing, operating, using, offering for sale, and/or selling within the
25 United States and/or importing into the United States, one or more devices (the
26 “Infringing Devices”) that are covered by the inventions claimed in the ‘010 Patent.

27 10. The Infringing Devices include, without limitation, the following
28 Oplink products:

1 a. XFP products designated as:

2 TXPXGDS2x

3 TXPXGGI2x

4 TXP1GHL2s

5 TXPCXGHI2x

6 TXPCXGJL2x

7 TXP1XGGI2xx

8 TXP1XGHL2xx

9 b. CFP2 products designated as:

10 CP21C04L2C000E1G

11 CP21C04L2C000E2G

12 CP21C0XSRC000E1G

13 CP21C0XSRC000E2G

14 c. CFP4 products designated as:

15 CP41C04L2C000E1G

16 CP41C04L2C000E2G

17 11. Plaintiff is informed and believes, and on that basis alleges, that
18 Defendant has been and is now indirectly infringing the '010 Patent pursuant to 35
19 U.S.C. section 271(b) and/or (c) by intentionally inducing infringement and/or
20 contributing to the infringement of the '010 Patent in the State of California, this
21 judicial district and elsewhere in the United States by providing and/or selling the
22 Infringing Devices to customers and/or users of those products.

23 12. Plaintiff is informed and believes, and on that basis alleges, that the
24 Infringing Devices were not and are not suitable for any substantial non-infringing
25 use and that Defendant had and has knowledge that the Infringing Devices were and
26 are designed to be used in a manner that infringes the '010 Patent.

27 13. Defendant is liable for infringement of the '010 Patent pursuant to 35
28 U.S.C. section 271(a), (b) and/or (c).

1 14. Plaintiff has been damaged and injured by Defendant's infringement of
2 the '010 Patent. Because of its infringing acts and for its unauthorized use of the
3 inventions claimed in the '010 Patent, Defendant is liable to Plaintiff for damages in
4 an amount no less than a reasonable royalty.

5 15. Defendant's infringement of the '010 Patent has caused and will
6 continue to cause irreparable harm to Plaintiff, for which Plaintiff has no adequate
7 remedy at law, unless Defendant is permanently enjoined from further infringement.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff prays for judgment:

10 1. Adjudging that Defendant has infringed one or more claims of the '010
11 Patent;

12 2. Permanently enjoining Defendant and its officers, agents, servants,
13 employees, attorneys and all others in active concert or participation with them from
14 further infringement of Plaintiff's patent rights;

15 3. Awarding Plaintiff damages adequate to compensate it for Defendant's
16 infringement, but in no event less than a reasonable royalty;

17 4. Awarding Plaintiff enhanced damages for Defendant's willful
18 infringement;

19 5. Awarding Plaintiff pre-judgment and post-judgment interest;

20 6. Awarding Plaintiff its costs and reasonable attorneys' fees as allowed
21 by law; and

22 7. Awarding Plaintiff such other and further relief as this Court deems just
23 and equitable.

24 DATED: December 31, 2014

SOLOMON WARD SEIDENWURM &
SMITH, LLP

25
26
27 By: /s/TANYA M. SCHIERLING

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Attorneys for Plaintiff

Fourte Design & Development, LLC

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial of all claims triable by a jury.

DATED: December 31, 2014 SOLOMON WARD SEIDENWURM &
SMITH, LLP

By: /s/TANYA M. SCHIERLING
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