

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

CHRIMAR SYSTEMS, INC. D/B/A  
CMS TECHNOLOGIES AND  
CHRIMAR HOLDING COMPANY, LLC

Plaintiffs,

v.

AMX, LLC,

Defendant.

CIVIL ACTION NO.

**PATENT CASE**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiffs Chrimar Systems Inc. d/b/a CMS Technologies (“Chrimar”) and Chrimar Holding Company, LLC (“Holding”) file this Original Complaint (“the Complaint”) for infringement of United States Patent Nos. 9,019,838 (“the ’838 Patent”) and 8,902,760 (“the ’760 Patent”), collectively the “Patents-in-Suit.”

**THE PARTIES**

1. Chrimar is a Michigan corporation with a place of business located at 36528 Grand River Avenue, Suite A-1, Farmington Hills, Michigan 48335.
2. Holding is a Texas limited liability company with a place of business located at 911 NW Loop 281, Suite 211-14, Longview, Texas 75604.
3. Chrimar and Holding are collectively referred to as “Plaintiffs” or “CMS.”

4. AMX, LLC is a limited liability company organized under the laws of the State of Delaware with its principal place of business located at 3000 Research Drive, Richardson, Texas 75082. This Court has personal jurisdiction over AMX.

### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, 35 U.S.C. § 101 *et seq.*
6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).
8. This Court has personal jurisdiction over Defendant because Defendant has engaged in continuous and systematic activities in the state of Texas, including in this district.

### **PATENTS-IN-SUIT**

9. Chrimar is the owner and assignee of the '838 Patent, entitled "Central Piece of Network Equipment" and Holding is the exclusive licensee of the '838 Patent. CMS owns all substantial rights in the '838 Patent. A true and correct copy of the '838 Patent is attached as Exhibit A.
10. The '838 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.
11. Chrimar is the owner and assignee of the '760 Patent, entitled "Network System and Optional Tethers" and Holding is the exclusive licensee of the '760 Patent. CMS owns all substantial rights in the '760 Patent. A true and correct copy of the '760 Patent is attached as Exhibit B.
12. The '760 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

**AMX'S ACCUSED PRODUCTS**

13. Upon information and belief, AMX makes, uses, offers to sell, sells, and/or imports powered devices (“PDs”) that comply with and/or are compatible with IEEE 802.3af and/or 802.3at. Such products include, but are not limited to, touch panels (e.g., the Modero products), wireless access points (e.g., the NXA products), docking stations (e.g., the MVP products), wireless gateways (e.g., the ZigBee products), audio/video receivers (e.g., the DTV products), keypads (e.g., the Metreau and Novara products), content sharing devices (e.g., the Enzo products), entry communicators (e.g., the Metreau products), control pads (e.g., the Massio and Novara products), communications gateways (e.g., the NetLinx products), LAN control boxes (e.g., the EXB products), the multi-format transmitters/switches (e.g., the DXLink products), encoder/decoders (e.g., the MAX-CS products), phone controllers (e.g., the NXV-CPI products), and PoE extractors (e.g., the PS-PoE products), collectively the “Accused PD Products.”

14. Upon information and belief, AMX makes, uses, offers to sell, sells, and/or imports power sourcing equipment (“PSEs”) that comply with and/or are compatible with IEEE 802.3af and/or 802.3at. Such products include, but are not limited to, switches, midspans, and PoE injectors, collectively the “Accused PSE Products.”

15. The Accused PD Products and the Accused PSE Products are collectively the “Accused Products.”

16. Upon information and belief, the Accused Products are offered for sale and sold throughout the United States, including within the Eastern District of Texas.

17. AMX has purposefully and voluntarily placed the Accused Products into the stream of commerce with the expectation that these products will be purchased and used by end users in the United States, including end users in the Eastern District of Texas.

18. AMX provides direct and indirect support concerning the Accused Products to end users, including end users within the Eastern District of Texas.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 9,019,838**

19. CMS incorporates paragraphs 1 through 18 herein by reference.

20. AMX has and continues to directly infringe the '838 Patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States the Accused PSE Products.

21. AMX has and continues to indirectly infringe the '838 Patent in violation of 35 U.S.C. § 271(b) by inducing its partners, customers, distributors, and/or end users to use, offer for sale, and sell the Accused PSE Products, and therefore AMX induces others to directly infringe the '838 Patent.

22. End users that use the Accused PSE Products directly infringe the '838 Patent.

23. AMX has been on notice of the '838 Patent since at least as of the filing date of this Complaint, but on information and belief, it was aware of the '838 Patent before the filing of this Complaint.

24. CMS has been damaged as a result of AMX's infringing conduct described in this Count.

**COUNT II**  
**INFRINGEMENT OF U.S. PATENT NO. 8,902,760**

25. CMS incorporates paragraphs 1 through 24 herein by reference.
26. AMX has and continues to directly infringe the '760 Patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States the Accused Products.
27. AMX has and continues to indirectly infringe the '760 Patent in violation of 35 U.S.C. § 271(b) by inducing its partners, customers, distributors, and/or end users to use, offer for sale, and sell the Accused Products, and therefore AMX induces others to directly infringe the '760 Patent.
28. AMX has and continues to indirectly infringe the '760 Patent in violation of 35 U.S.C. § 271(c) by offering to sell, selling, and/or importing the Accused PD Products and/or Accused PSE Products into the United States.
29. The Accused PD Products and/or Accused PSE Products are components of a patented machine, manufacture, combination, or system, constitute a material part of the invention as claimed in the '760 Patent, and AMX knows the same to be especially made or especially adapted for use in a manner that infringes one or more claims of the '760 Patent.
30. The Accused Products are not a staple article or commodity of commerce suitable for substantial noninfringing use.
31. End users that use the Accused Products directly infringe the '760 Patent.

32. AMX has been on notice of the '760 Patent since at least as of the filing date of this Complaint, but on information and belief, it has been aware of the '760 Patent before the filing of this Complaint.

33. CMS has been damaged as a result of AMX's infringing conduct described in this Count.

### **ADDITIONAL ALLEGATIONS**

34. CMS has complied with 35 U.S.C. § 287.

35. AMX's continued infringement of the Patents-in-Suit after being on notice of the Patents-in-Suit is willful.

### **JURY DEMAND**

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

### **PRAYER FOR RELIEF**

CMS requests that this Court find in its favor and against AMX, and that this Court grant CMS the following relief:

- a. Enter judgment that AMX has infringed the Patents-in-Suit;
- b. Enter judgment that AMX's continued infringement of the Patents-in-Suit is willful;
- c. Award Plaintiffs damages in an amount adequate to compensate Plaintiffs for AMX's infringement of the Patents-in-Suit, but in no event less than a reasonable royalty in accordance with 35 U.S.C. § 284;
- d. Award Plaintiffs pre-judgment and post-judgment interest to the full extent allowed under the law, as well as their costs;

e. Award enhanced damages based on AMX's willful infringement of the Patents-in-Suit;

f. Order AMX to pay Plaintiffs a royalty for any continued infringement of the Patents-in-Suit;

g. Declare that this is an exceptional case and award Plaintiffs their reasonable attorneys' fees incurred in this action; and

h. Award such other relief as the Court may deem appropriate and just under the circumstances.

Dated: July 1, 2015

Respectfully submitted,

*/s/ Justin S. Cohen*

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