

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

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| CHRIMAR SYSTEMS, INC., ET AL.,<br><br>Plaintiffs,<br><br>v.<br><br>ALCATEL-LUCENT S.A., ET AL.,<br><br>Defendants. | 6:15-CV-00163-JDL<br>LEAD CASE<br><br>Patent Case<br><br><b>Jury Trial Demanded</b> |
| v. AMX, LLC.   | 6:15-CV-00164-JDL (consolidated case)   |

**FIRST AMENDED COMPLAINT**

Chrimar Systems Inc. d/b/a CMS Technologies (“Chrimar”) and Chrimar Holding Company, LLC (“Holding”) file this First Amended Complaint (“the Complaint”) against consolidated Defendant AMX, LLC (“AMX”) for infringement of United States Patent Nos. 8,155,012 (“the ’012 Patent”), 8,942,107 (“the ’107 Patent”), 8,902,760 (“the ’760 Patent”), and 9,019,838 (“the ’838 Patent”).

**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 211-30, Longview, Texas 75604.
3. Chrimar and Holding are collectively referred to as “Plaintiffs” or “CMS.”

4. AMX, LLC is a Delaware corporation 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 AMX because AMX has engaged in continuous and systematic activities in the state of Texas, including in this district. In addition, AMX has committed, and continues to commit acts of infringement in the state of Texas, including in this district.

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

9. Chrimar is the owner and assignee of the '012 Patent, entitled "System and Method for Adapting a Piece of Terminal Equipment" and Holding is the exclusive licensee of the '012 Patent. CMS owns all substantial rights in the '012 Patent. A true and correct copy of the '012 Patent is attached as Exhibit A.
10. The '012 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 '107 Patent, entitled "Piece of Ethernet Terminal Equipment" and Holding is the exclusive licensee of the '107 Patent. CMS has ownership of all substantial rights in the '107 Patent. A true and correct copy of the '107 Patent is attached as Exhibit B.

12. The '107 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.
13. 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 C.
14. The '760 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.
15. 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 D.
16. The '838 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.
17. The '012, '107, '760, and '838 Patents are collectively "the Patents-in-Suit."

**AMX's ACCUSED PRODUCTS**

18. Upon information and belief, AMX makes, uses, offers to sell, sells, and/or imports powered devices ("PDs") that comply with IEEE 802.3af and/or 802.3at. Such products include, but are not limited to, wireless access points (the NXA products), touch/control panels (e.g., the Modero products), docking stations (e.g., the MVP products), wireless gateways (e.g., the ZigBee products), audio/video receivers (e.g., the DTV products), keypads and control pads (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.”

19. Upon information and belief, AMX makes, uses, offers to sell, sells, and/or imports power sourcing equipment (“PSEs”) that comply with IEEE 802.3af and/or 802.3at. Such products include, but are not limited to, Ethernet switches (e.g., the NXA products), media switches (e.g., the Enova products), midspans, and PoE injectors (e.g., the DXLink power sourcing products), collectively the “Accused PSE Products.”
20. The Accused PD Products and the Accused PSE Products are collectively the Accused Products.
21. Upon information and belief, the Accused Products are offered for sale and sold throughout the United States, including within the Eastern District of Texas.
22. 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.
23. 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. 8,155,012**

24. CMS incorporates paragraphs 1 through 233 herein by reference.
25. AMX has and continues to directly infringe the '012 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 PD Products.
26. AMX has and continues to indirectly infringe the '012 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 PD Products, and therefore AMX induces others to directly infringe the '012 Patent.
27. End users that use the Accused PD Products directly infringe the '012 Patent.
28. AMX has been on notice of the '012 Patent since at least as early as November of 2013.
29. AMX has not produced or relied upon an opinion of counsel suggesting that the '012 Patent is invalid or that the Accused PD Products do not infringe the '012 Patent.
30. CMS has been damaged as a result of AMX's infringing conduct described in this Count.

**COUNT II**

**INFRINGEMENT OF U.S. PATENT NO. 8,942,107**

31. CMS incorporates paragraphs 1 through 30 herein by reference.
32. AMX has and continues to directly infringe the '107 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 PD Products.

33. AMX has and continues to indirectly infringe the '107 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 PD Products, and therefore AMX induces others to directly infringe the '107 Patent.
34. End users that use the Accused PD Products directly infringe the '107 Patent.
35. AMX has been on notice of the '107 Patent since at least as early as March 2015, but on information and belief, it was aware of the '107 Patent before March 2015.
36. AMX has not produced or relied upon an opinion of counsel suggesting that the '107 Patent is invalid or that the Accused PD Products do not infringe the '107 Patent.
37. CMS has been damaged as a result of AMX's infringing conduct described in this Count.

**COUNT III**

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

38. CMS incorporates paragraphs 1 through 37 herein by reference.
39. 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.
40. 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.

41. 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 Products into the United States.
42. 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 an a manner that infringes one or more claims of the '760 Patent.
43. The Accused Products are not a staple article or commodity of commerce suitable for substantial noninfringing use.
44. End users that use the Accused Products directly infringe the '760 Patent.
45. AMX has been on notice of the '760 Patent since at least as early as the filing date of this Complaint, but on information and belief, it was aware of the '760 Patent before the filing of this Complaint.
46. AMX has not produced or relied upon an opinion of counsel suggesting that the '760 Patent is invalid or that the Accused Products do not infringe the '760 Patent.
47. CMS has been damaged as a result of AMX's infringing conduct described in this Count.

**COUNT IV**

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

48. CMS incorporates paragraphs 1 through 47 herein by reference.

49. 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.
50. 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.
51. End users that use the Accused PSE Products directly infringe the '838 Patent.
52. AMX has been on notice of the '838 Patent since at least as the filing date of this Complaint, but on information and belief, it was aware of the '838 Patent before the filing of this Complaint.
53. AMX has not produced or relied upon an opinion of counsel suggesting that the '838 Patent is invalid or that the Accused PSE Products do not infringe the '838 Patent.
54. CMS has been damaged as a result of AMX's infringing conduct described in this Count.

**ADDITIONAL ALLEGATIONS**

55. CMS has complied with 35 U.S.C. § 287.
56. AMX's infringement of the Patents-in-Suit has been willful.
57. AMX has been on notice of the '012 Patent since at least November of 2013, of the '107 Patent since at least March of 2015, of the '760 Patent since at least July 2015, and of the '838 Patent since at least July 2015, but has done nothing to curb its infringing conduct.



**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 infringement of the ' Patents-in-Suit has been willful, and 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 enhanced damages based on AMX's willful infringement of the '012 , '107, '760, and '838 Patents;
- e. Award Plaintiffs pre-judgment and post-judgment interest to the full extent allowed under the law, as well as their costs;
- f. Declare that this is an exceptional case and award Plaintiffs their reasonable attorneys' fees incurred in this action;
- g. Award such other relief as the Court may deem appropriate and just under the circumstances.

Dated: August 18, 2015

Respectfully submitted,

/s/ Richard L. Wynne, Jr.

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COMPANY, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on August 18, 2015.

/s/ Richard L. Wynne, Jr.

Richard L. Wynne, Jr.