

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

CHRIMAR SYSTEMS, INC. <i>et al.</i> , Plaintiffs,	
v. ADTRAN, INC.	6:15-cv-00618-JRG-JDL (LEAD CASE)
v. ACCTON TECH. CORP. USA <i>et al.</i>	6:15-cv-00616-JRG-JDL
v. ADVANTECH, INC.	6:15-cv-00619-JRG-JDL
v. ALLIED TELESIS, INC.	6:15-cv-00652-JRG-JDL
v. ALLWORX CORPORATION	6:15-cv-00620-JDL
v. BELDEN, INC. <i>et al.</i>	6:15-cv-00649-JRG-JDL
v. BELKIN INTERNATIONAL INC.	6:15-cv-00650-JDL
v. BLACK BOX CORP.	6:15-cv-00622-JRG-JDL
v. BUFFALO AMERICAS, INC.	6:15-cv-00625-JRG-JDL
v. COSTAR TECHNOLOGIES, INC.	6:15-cv-00626-JRG-JDL
v. DELL INC. and AEROHIVE NETWORKS, INC.	6:15-cv-00639-JRG-JDL
v. D-LINK SYSTEMS, INC.	6:15-cv-00653-JRG-JDL
v. EAGLE EYE NETWORKS, INC.	6:15-cv-00627-JRG-JDL
v. ENGENIUS TECHNOLOGIES INC.	6:15-cv-00640-JRG-JDL
v. FORTINET, INC.	6:15-cv-00651-JDL
v. HUAWEI ENTERPRISE USA INC. <i>et al.</i>	6:15-cv-00643-JDL
v. JUNIPER NETWORKS, INC.	6:15-cv-00630-JRG-JDL
v. MOXA AMERICAS INC.	6:15-cv-00633-JRG-JDL
v. NETGEAR, INC.	6:15-cv-00634-JDL
v. PHIHONG USA CORP.	6:15-cv-00636-JRG-JDL
v. TP-LINK USA CORP.	6:15-cv-00641-JDL
v. TRENDNET, INC.	6:15-cv-00644-JRG-JDL
v. WATCHGUARD TECHNOLOGIES, INC.	6:15-cv-00648-JRG-JDL

**SECOND AMENDED COMPLAINT AGAINST CONSOLIDATED DEFENDANTS**

Plaintiffs Chrimar Systems Inc. d/b/a CMS Technologies (“Chrimar”) and Chrimar Holding Company, LLC (“Holding”) file this Second Amended Complaint Against Consolidated Defendants (“the Complaint”) 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”), 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 211-30, Longview, Texas 75604.

3. Chrimar and Holding are collectively referred to as “Plaintiffs” or “CMS.”

4. Accton Technology Corporation USA (“Accton”) is a California corporation with its principal place of business located at 1200 Crossman Avenue, Suite 130, Sunnyvale, California 94089. This Court has personal jurisdiction over Accton.

5. ADTRAN, Inc. (“ADTRAN”) is a Delaware corporation with its principal place of business located at 901 Explorer Boulevard, Huntsville, Alabama 35806. This Court has personal jurisdiction over ADTRAN.

6. Advantech Corporation (“Advantech”) is a California corporation with its principal place of business located at 380 Fairview Way, Milpitas, California 95035. This Court has personal jurisdiction over Advantech.

7. Aerohive Networks, Inc. (“Aerohive”) is a Delaware corporation with its principal place of business located at 330 Gibraltar Drive, Sunnyvale, California 94089. This Court has personal jurisdiction over Aerohive.

8. Allied Telesis, Inc. (“Allied Telesis”) is a Delaware corporation with its principal place of business at 3041 Orchard Parkway, San Jose, California 95134. This Court has personal jurisdiction over Allied Telesis.

9. Allworx Corporation (“Allworx”) is a Delaware corporation with its principal place of business located at 245 East Main Street, Rochester, New York 14604. This Court has personal jurisdiction over Allworx.

10. Belden Inc. (“Belden”) is a Delaware corporation with its principal place of business located at 1 N. Brentwood Blvd., 15th Floor, St. Louis, Missouri 63105. This Court has personal jurisdiction over Belden.

11. Belkin International, Inc. (“Belkin”) is a Delaware corporation with its principal place of business located at 1205 E. Waterfront Drive, Playa Vista, California 90094. This Court has personal jurisdiction over Belkin.

12. Black Box Corporation (“Black Box”) is a Delaware corporation with its principal place of business located at 1000 Park Drive, Lawrence, Pennsylvania 15055–1018. This Court has personal jurisdiction over Black Box.

13. Black Box Corporation of Pennsylvania (“Black Box of PA”) is a Delaware corporation with its principal place of business located at 1000 Park Drive, Lawrence, Pennsylvania 15055–1018. This Court has personal jurisdiction over Black Box of PA.

14. Buffalo Americas, Inc. (“Buffalo”) is a Delaware corporation with its principal place of business located at 11100 Metric Blvd., Suite 750, Austin, Texas 78758. This Court has personal jurisdiction over Buffalo.

15. Costar Technologies, Inc. (“Costar Technologies”) is a Delaware corporation with its principal place of business located at 101 Wrangler Drive, Suite 201, Coppell, Texas 75019. This Court has personal jurisdiction over Costar.

16. Costar Video Systems, LLC (“Costar Video”) is a Delaware corporation with its principal place of business located at 101 Wrangler Drive, Suite 201, Coppell, Texas 75019. This Court has personal jurisdiction over Costar.

17. Dell Inc. (“Dell”) is a Delaware corporation with its principal place of business located at One Dell Way, Round Rock, Texas 78682. This Court has personal jurisdiction over Dell.

18. D-Link Systems, Incorporated (“D-Link”) is a California corporation with its principal place of business located at 17595 Mt. Herrmann Street, Fountain Valley, California 92708. This Court has personal jurisdiction over D-Link.

19. Eagle Eye Networks, Inc. (“Eagle Eye”) is a Delaware corporation with its principal place of business located at 4611 Bee Caves Road, Suite 200, Austin, Texas 78746. This Court has personal jurisdiction over Eagle Eye.

20. Edgecore USA Corporation d/b/a/ Edgecore Networks Corporation (“Edgecore”) is a California corporation with its principal place of business located at 20 Mason, Irvine, California 92618. This Court has personal jurisdiction over Edgecore.

21. EnGenius Technologies, Inc. (“EnGenius”) is a Delaware corporation with its principal place of business located at 1580 Scenic Ave., Costa Mesa, California 92626. This Court has personal jurisdiction over EnGenius.

22. Fortinet, Inc. (“Fortinet”) is a Delaware corporation with its principal place of business located at 899 Kifer Road, Sunnyvale, California 94086. This Court has personal jurisdiction over Fortinet.

23. GarrettCom Inc. (“GarrettCom”) is a California corporation with its principal place of business located at 47823 Westinghouse Drive, Fremont, California 94539. This Court has personal jurisdiction over GarrettCom.

24. Hirschmann Automation and Control, Inc. (“Hirschmann”) is a company that is owned by Belden Inc. Hirschmann has appeared in this action.

25. Huawei Technologies USA Inc. (“Huawei Technologies”) is a Texas corporation with its principal place of business located at 5700 Tennyson Parkway, Suite 500, Plano, Texas 75024. This Court has personal jurisdiction over Technologies.

26. Huawei Enterprise USA Inc. (“Huawei Enterprise”) is a California corporation with its principal place of business located at 20400 Stevens Creek Blvd., Suite 200, Cupertino, California 95014. This Court has personal jurisdiction over Enterprise.

27. Juniper Networks, Inc. (“Juniper”) is a Delaware corporation with its principal place of business located at 1133 Innovation Way, Sunnyvale, California 94089. This Court has personal jurisdiction over Juniper.

28. Moxa Americas Inc. (“Moxa”) is a California corporation with its principal place of business located at Moxa Corporate Plaza, 601 Valencia Ave., Suite 100, Brea, California 92823. This Court has personal jurisdiction over Moxa.

29. NETGEAR, INC. (“NETGEAR”) is a Delaware corporation with its principal place of business located at 350 E. Plumeria Drive, San Jose, California 95134–1911. This Court has personal jurisdiction over NETGEAR.

30. Phihong USA Corporation (“Phihong”) is a California corporation with its principal place of business located at 47800 Fremont Blvd., Fremont, California 94538. This Court has personal jurisdiction over Phihong.

31. SMC Networks, Inc. (“SMC”) is a Delaware corporation with its principal place of business located at 20 Mason, Irvine, California 92618. This Court has personal jurisdiction over SMC.

32. TP-Link USA Corporation (“TP-Link”) is a California corporation with its principal place of business located at 975 Overland Ct., San Dimas, California 91773. This Court has personal jurisdiction over TP-Link.

33. TRENDnet Inc. (“TRENDnet”) is a California corporation with its principal place of business located at 20675 Manhattan Place, Torrance, California 90501. This Court has personal jurisdiction over TRENDnet.

34. WatchGuard Technologies, Inc. (“WatchGuard”) is a Washington corporation with its principal place of business located at 505 Fifth Avenue South, Suite 500, Seattle, Washington 98104. This Court has personal jurisdiction over WatchGuard.

#### JURISDICTION AND VENUE

35. This action arises under the patent laws of the United States, 35 U.S.C. § 101 *et seq.*

36. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

37. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

38. This Court has personal jurisdiction over each Defendant because each Defendant has engaged in continuous and systematic activities in the state of Texas, including in this district.

PATENTS-IN-SUIT

39. 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 to Plaintiffs' Original Complaint [ECF No. 1 in lead case].

40. The '012 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

41. 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 owns all substantial rights in the '107 Patent. A true and correct copy of the '107 Patent is attached as Exhibit B to Plaintiffs' Original Complaint [ECF No. 1 in lead case].

42. The '107 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

43. 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 to Plaintiffs' Original Complaint [ECF No. 1 in lead case].

44. The '760 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

45. 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 to Plaintiffs' Original Complaint [ECF No. 1 in lead case].

46. The '838 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

#### DEFENDANTS' ACCUSED PRODUCTS

47. Upon information and belief, each Defendant makes, uses, offers to sell, sells, and/or imports Power over Ethernet ("PoE") powered devices ("PDs") that comply with and/or are compatible with the PoE Standards, namely IEEE 802.3af and/or 802.3at.

48. Upon information and belief, each Defendant makes, uses, offers to sell, sells, and/or imports PoE power sourcing equipment ("PSEs") that comply with and/or are compatible with the PoE Standards, namely IEEE 802.3af and/or 802.3at.

49. The Accused PD Products and the Accused PSE Products are collectively the "Accused Products."

50. The Accused PD Products of Defendants Accton, Edgecore, and SMC include, but are not limited to, wireless access points such as the EAP1018FA Enterprise Access Point and PoE phones such as the VP3302 VoIP Phone. The Accused PSE Products of Defendants Accton, Edgecore, and SMC include, but are not limited to, PoE switches such as the ES3526-PoE Switch.

51. Defendant ADTRAN's Accused PD Products include, but are not limited to, wireless access points such as the Bluesocket 1920 Access Point and PoE phones such as the IP 650 IP Phone. Defendant ADTRAN's Accused PSE Products include, but are not limited to, PoE switches such as the NetVanta 1234P Switch.

52. Defendant Advantech's Accused PD Products include, but are not limited to, PoE video surveillance equipment such as the NVS-300 Video Recorder, PoE network video recorders such as the ARK-2151S Network Video Recorder, and PoE splitters such as the EKI-2701PSI Splitter. Defendant Advantech's Accused PSE Products include, but are not limited to, PoE switches such as the EKI-2726FHPI Switch and PoE PSEs such as the EKI-2701HPI.

53. Defendant Allied Telesis's Accused PD Products include, but are not limited to, wireless access points such as the Extricom RP-23ac Access Point. Defendant Allied Telesis's Accused PSE Products include, but are not limited to, PoE switches such as the AT-FS708/PoE Switch and the EXSW-1632C Switch.

54. Defendant Allworx's Accused PD Products include, but are not limited to, PoE phones such as the 9112 IP Phone. Defendant Allworx's Accused PSE Products include, but are not limited to, PoE switches such as the PowerFlex P4848 Switch.

55. The Accused PD Products of Defendants Belden, GarrettCom, and Hirschmann include, but are not limited to, wireless access points such as the BAT300-Rail Access Point. The Accused PSE Products of Defendants Belden, GarrettCom, and Hirschmann include, but are not limited to, PoE switches such as the SPIDER II 8TX PoE Switch and PoE midspans such as the BL-6000 Inline Power Hub.

56. Defendant Belkin's Accused PD Products include, but are not limited to, wireless access points such as the LAPN300 Access Point and PoE cameras such as the LCAD03FLN-EU Camera. Defendant Belkin's Accused PSE Products include, but are not limited to, PoE switches such as the LGS116P Switch, the Linksys LGS318P 18-Port Business Gigabit Smart Switch PoE+, the Linksys LGS308P 8-Port Business Gigabit Smart Switch PoE+, and the Linksys LGS326P 26-Port Business Gigabit Smart Switch PoE+.

57. The Accused PD Products of Defendants Black Box and Black Box of PA include, but are not limited to, wireless access points such as the LWN602WA Access Point, PoE splitters such as the LPS2001 Splitter, and PoE media converters such as the LPD500 Media Converter. The Accused PSE Products of Defendants Black Box and Black Box of PA include, but are not limited to, PoE switches such as the LPB1205A Switch and PoE midspans such as the LPJ008A–F Gigabit Injector.

58. Defendant Buffalo’s Accused PD Products include, but are not limited to, wireless access points such as the WAPS–APG600H Access Point. Defendant Buffalo’s Accused PSE Products include, but are not limited to, PoE switches such as the BSL–POE–G2105U Switch.

59. The Accused PD Products of Defendants Costar Technologies and Costar Video include, but are not limited to, PoE cameras such as the CBI2109IRF Bullet Camera. The Accused PSE Products of Defendants Costar Technologies and Costar Video include, but are not limited to, PoE switches such as the CRIS10 Switch.

60. The Accused PD Products of Defendants Dell and Aerohive include, but are not limited to, wireless access points such as the AP330 and PoE IP cameras. The Accused PSE Products of Defendants Dell and Aerohive include, but are not limited to, PoE switches such as the N3000 Series Switch.

61. Defendant D–Link’s Accused PD Products include, but are not limited to, wireless access points such as the DAP–2360 Access Point and PoE cameras such as the DCS–3010 Camera. Defendant D–Link’s Accused PSE Products include, but are not limited to, PoE switches such as the DGS–3120–48PC Switch and PoE midspans such as the DWL–P1012 Midspan.

62. Defendant Eagle Eyes's Accused PD Products include, but are not limited to, IP cameras. Defendant Eagle Eyes's Accused PSE Products include, but are not limited to, PoE switches and bridges such as the EN-SW05i-001 Switch.

63. Defendant EnGenius's Accused PD Products include, but are not limited to, wireless access points such as the EWS860AP Access Point and PoE cameras such as the EDS5110 Camera. Defendant EnGenius's Accused PSE Products include, but are not limited to, PoE switches such as the EGS7228FP Switch.

64. Defendant Fortinet's Accused PD Products include, but are not limited to, wireless access points such as the FortiGate-30D-POE Access Point and PoE phones such as the TSv480i IP Phone. Defendant Fortinet's Accused PSE Products include, but are not limited to, PoE switches such as the 124B-POE Access Switch.

65. The Accused PD Products of Defendants Huawei Technologies and Huawei Enterprise include, but are not limited to, wireless access points such as the AP6610DN-AGN Access Point and PoE phones such as the eSpace 7910 Phone. The Accused PSE Products of Defendants Huawei Technologies and Huawei Enterprise include, but are not limited to, PoE switches such as the S2700-52P-PWR-EI Switch.

66. Defendant Juniper's Accused PD Products include, but are not limited to, wireless access points such as the WLA321 Access Point. Defendant Juniper's Accused PSE Products include, but are not limited to, PoE switches such as the EX2200 Series (w/PoE) Switch (*e.g.*, EX2200-24P).

67. Defendant Moxa's Accused PD Products include, but are not limited to, wireless access points such as the AWK-3191 Access Point. Defendant Moxa's Accused PSE Products include, but are not limited to, PoE switches such as the EDS-P308 Switch.

68. Defendant NETGEAR's Accused PD Products include, but are not limited to, wireless access points such as the WG302 Access Point. Defendant NETGEAR's Accused PSE Products include, but are not limited to, PoE switches such as the FS108P Switch.

69. Defendant Phihong's Accused PD Products include, but are not limited to, PoE splitters such as the POE21-120 Splitter. Defendant Phihong's Accused PSE Products include, but are not limited to, PoE midspans such as POE37OU-480-8 Midspan.

70. Defendant TP-Link's Accused PD Products include, but are not limited to, wireless access points such as the EAP220 Access Point. Defendant TP-Link's Accused PSE Products include, but are not limited to, PoE switches such as the TL-SG3424P Switch.

71. Defendant TRENDnet's Accused PD Products include, but are not limited to, PoE cameras such as the TV-IP343PI Camera. Defendant TRENDnet's Accused PSE Products include, but are not limited to, PoE switches such as the TPE-S80 Switch.

72. Defendant WatchGuard's Accused PD Products include, but are not limited to, wireless access points such as the AP100 Access Point. Defendant WatchGuard's Accused PSE Products include, but are not limited to, PoE PSE such as the Firebox M440.

73. Upon information and belief, each Defendant's Accused Products are offered for sale and sold throughout the United States, including within the Eastern District of Texas.

74. Each Defendant has purposefully and voluntarily placed its 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.

75. Each Defendant provides direct and indirect support concerning its 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 BY ALL DEFENDANTS**

76. CMS incorporates paragraphs 1 through 75 herein by reference.

77. Defendants have and continue 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.

78. Each Defendant has been on notice of the '012 Patent since at least as early as the filing date of the Original Complaint. Notwithstanding that notice of infringement, each Defendant has continued to infringe the '012 Patent.

79. CMS has been damaged as a result of each Defendant's infringing conduct described in this Count.

**COUNT II**

**WILLFUL INFRINGEMENT OF  
U.S. PATENT NO. 8,155,012 BY CERTAIN DEFENDANTS**

80. CMS incorporates paragraphs 1 through 79 herein by reference.

81. The infringement of the '012 Patent by Defendants Accton, ADTRAN, Advantech, Aerohive, Allied Telesis, Allworx, Belden, Belkin, Black Box, Black Box of PA, Buffalo, Costar Technologies, Costar Video, Dell, D-Link, Eagle Eye, Edgecore, EnGenius, GarrettCom, Hirschmann, Huawei Technologies, Huawei Enterprise, Juniper, Moxa, NETGEAR, SMC, and TP-Link has been and is willful.

82. Because the infringement of the '012 Patent by the Defendants listed in the preceding paragraph has been and is willful, Plaintiffs seek enhanced damages from each of these Defendants of up to three times the amount found or assessed under 35 U.S.C. § 284.

**COUNT III**

**INDUCED INFRINGEMENT OF  
U.S. PATENT NO. 8,155,012 BY CERTAIN DEFENDANTS**

83. CMS incorporates paragraphs 1 through 82 herein by reference.

84. In addition to the foregoing acts of infringement, Defendants Fortinet, Phihong, TRENDnet, and WatchGuard have and continue 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 each such Defendant induces others to directly infringe the '012 Patent. End users that use the Accused PD Products directly infringe the '012 Patent.

85. CMS has been damaged as a result of the acts of indirect infringement described in this Count.

**COUNT IV**

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

86. CMS incorporates paragraphs 1 through 85 herein by reference.

87. Defendants have and continue 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.

88. Each Defendant has been on notice of the '107 Patent since at least as early as the filing date of the Original Complaint. Notwithstanding that notice of infringement, each Defendant has continued to infringe the '107 Patent.

89. CMS has been damaged as a result of each Defendant's infringing conduct described in this Count.

COUNT V

WILLFUL INFRINGEMENT OF  
U.S. PATENT NO. 8,942,107 BY CERTAIN DEFENDANTS

90. CMS incorporates paragraphs 1 through 89 herein by reference.

91. The infringement of the '107 Patent by Defendants Accton, ADTRAN, Advantech, Aerohive, Allied Telesis, Allworx, Belden, Belkin, Black Box, Black Box of PA, Buffalo, Costar Technologies, Costar Video, Dell, D-Link, Eagle Eye, Edgecore, EnGenius, GarrettCom, Hirschmann, Huawei Technologies, Huawei Enterprise, Juniper, Moxa, NETGEAR, SMC, and TP-Link has been and is willful.

92. Because the infringement of the '107 Patent by the Defendants listed in the preceding paragraph has been and is willful, Plaintiffs seek enhanced damages from each of these Defendants of up to three times the amount found or assessed under 35 U.S.C. § 284.

COUNT VI

INDUCED INFRINGEMENT OF  
U.S. PATENT NO. 8,942,107 BY CERTAIN DEFENDANTS

93. CMS incorporates paragraphs 1 through 92 herein by reference.

94. In addition to the foregoing acts of infringement, Defendants Fortinet, Phihong, TRENDnet, and WatchGuard have and continue 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 each such Defendant induces others to directly infringe the '107 Patent. End users that use the Accused PD Products directly infringe the '107 Patent.

95. CMS has been damaged as a result of the acts of indirect infringement described in this Count.

COUNT VII

INFRINGEMENT OF U.S. PATENT NO. 8,902,760 BY ALL DEFENDANTS

96. CMS incorporates paragraphs 1 through 95 herein by reference.

97. Defendants have and continue 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.

98. Each Defendant 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.

99. The Accused Products implement a technology called "Power over Ethernet" or "PoE," which allows for provision of electrical power to a networked device over the same Ethernet cable that is used for data transmission. One example of a PoE device is a Voice Over Internet Protocol ("VOIP") business telephone. A PoE VOIP phone does not require an AC adapter that plugs into an electrical outlet because the power to operate the phone is provided through the Ethernet cable, which also carries the telephone signals between the phone and the network.

100. The Accused Products fall within two categories of PoE equipment — "Powered Devices" ("PDs"), which are devices that receive power via an Ethernet cable (such as a PoE VOIP phone), and "Power Sourcing Equipment" ("PSEs"), which are devices connected to the opposite end of the Ethernet cable and send power to the PDs. The Accused PD Products and the Accused PSE Products operate cooperatively to provide PoE. The '760 Patent is a system-level patent that implicates the provision of PoE by the Accused PD and PSE Products in combination.

101. Each Accused Product complies with and/or is compatible with the PoE Standards, namely IEEE 802.3af and/or 802.3at. More specifically, each Accused Product implements the detection and classification protocols as specified in the PoE Standards.

102. The detection protocol of the PoE Standards ensures that the Accused PSE Products only send power to PDs. The classification protocol of the PoE Standards ensures that the Accused PSE Products supply the correct power level to the Accused PD Products.

103. The detection and classification protocol sections of the PoE Standards are explicit — down to the circuit level — as to how these functions must be implemented in the Accused Products.

104. Each Accused Product includes specialized hardware and circuitry in order to implement the detection and classification protocols of the PoE Standards. Such hardware and circuitry includes, but is not limited to, a PoE controller, a detection circuit path that includes a PoE detection signature resistance, and a classification circuit path that includes a PoE power classification signature resistance.

105. Each Accused Product is a component of a patented machine, manufacture, combination, or system and constitutes a material part of the invention as claimed in the '760 Patent. For example, the '760 Patent is a system-level patent that implicates the detection and classification protocols of the PoE Standards and each Accused Product includes specialized hardware and circuitry to implement the detection and classification protocols of the PoE Standards.

106. Since receiving notice of Plaintiffs' patent rights under the '760 Patent, each Defendant knows that the Accused Products are especially made or especially adapted for use in

a manner that infringes one or more claims of the '760 Patent, as it markets and/or advertises the Accused Products as having PoE capability.

107. The Accused Products are not a staple article or commodity of commerce suitable for substantial non-infringing use. Each Accused Product incorporates specialized hardware and circuitry to implement the detection and classification protocols of the PoE Standards. The incorporation of this specialized hardware and circuitry serves no function other than to determine whether an Ethernet-connected device is a PoE-compliant device ("detection"), and, if so, the amount of power it is designed to accept ("classification"). There is no other established or practical non-infringing use of the specific specialized hardware and circuitry as required by the PoE Standards and claimed by the '760 Patent.

108. The fact that the Accused Products may also incorporate other circuitry or functionality that does not implicate the '760 Patent is irrelevant for determining whether the Accused Products have substantial non-infringing uses. *See Ricoh Co. v. Quanta Computer Inc.*, 550 F.3d 1325 (Fed. Cir. 2008).

109. Each Defendant's customers that use the Accused PD or PSE Products in their PoE networks directly infringe the '760 Patent.

110. Each Defendant has been on notice of the '760 Patent since at least as early as the filing date of the Original Complaint. Notwithstanding that notice of infringement, each Defendant has continued to infringe the '760 Patent.

111. CMS has been damaged as a result of each Defendant's infringing conduct described in this Count.

**COUNT VIII**

**WILLFUL INFRINGEMENT OF  
U.S. PATENT NO. 8,902,760 BY CERTAIN DEFENDANTS**

112. CMS incorporates paragraphs 1 through 111 herein by reference.

113. The infringement of the '760 Patent by Defendants Accton, ADTRAN, Advantech, Aerohive, Allied Telesis, Allworx, Belden, Belkin, Black Box, Black Box of PA, Buffalo, Costar Technologies, Costar Video, Dell, D-Link, Eagle Eye, Edgecore, EnGenius, GarrettCom, Hirschmann, Huawei Technologies, Huawei Enterprise, Juniper, Moxa, NETGEAR, SMC, and TP-Link has been and is willful.

114. Because the infringement of the '760 Patent by the Defendants listed in the preceding paragraph has been and is willful, Plaintiffs seek enhanced damages from each of these Defendants of up to three times the amount found or assessed under 35 U.S.C. § 284.

**COUNT IX**

**INDUCED INFRINGEMENT OF  
U.S. PATENT NO. 8,902,760 BY CERTAIN DEFENDANTS**

115. CMS incorporates paragraphs 1 through 114 herein by reference.

116. In addition to the foregoing acts of infringement, Defendants Fortinet, Phihong, TRENDnet, and WatchGuard have and continue 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 each such Defendant induces others to directly infringe the '760 Patent. End users that use the Accused Products directly infringe the '760 Patent.

117. CMS has been damaged as a result of the acts of indirect infringement described in this Count.

**COUNT X**

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

118. CMS incorporates paragraphs 1 through 117 herein by reference.

119. Defendants have and continue 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.

120. Each Defendant has been on notice of the '838 Patent since at least as early as the filing date of the Original Complaint. Notwithstanding that notice of infringement, each Defendant has continued to infringe the '838 Patent.

121. CMS has been damaged as a result of each Defendant's infringing conduct described in this Count.

**COUNT XI**

**WILLFUL INFRINGEMENT OF  
U.S. PATENT NO. 9,019,838 BY CERTAIN DEFENDANTS**

122. CMS incorporates paragraphs 1 through 121 herein by reference.

123. The infringement of the '838 Patent by Defendants Accton, ADTRAN, Advantech, Aerohive, Allied Telesis, Allworx, Belden, Belkin, Black Box, Black Box of PA, Buffalo, Costar Technologies, Costar Video, Dell, D-Link, Eagle Eye, Edgecore, EnGenius, GarrettCom, Hirschmann, Huawei Technologies, Huawei Enterprise, Juniper, Moxa, NETGEAR, SMC, and TP-Link has been and is willful.

124. Because the infringement of the '838 Patent by the Defendants listed in the preceding paragraph has been and is willful, Plaintiffs seek enhanced damages from each of these Defendants of up to three times the amount found or assessed under 35 U.S.C. § 284.

**COUNT XII**

**INDUCED INFRINGEMENT OF  
U.S. PATENT NO. 9,019,838 BY CERTAIN DEFENDANTS**

125. CMS incorporates paragraphs 1 through 124 herein by reference.

126. In addition to the foregoing acts of infringement, Defendants Fortinet, Phihong, TRENDnet, and WatchGuard have and continue 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 each such Defendant induces others to directly infringe the '838 Patent. End users that use the Accused PSE Products directly infringe the '838 Patent.

127. CMS has been damaged as a result of the acts of indirect infringement described in this Count.

**ADDITIONAL ALLEGATIONS**

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

**JURY DEMAND**

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

**PRAYER FOR RELIEF**

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

- a. Enter judgment that each Defendant has infringed the Patents-in-Suit;
- b. Award Plaintiffs damages in an amount adequate to compensate Plaintiffs for each Defendant's infringement of the Patents-in-Suit, but in no event less than a reasonable royalty in accordance with 35 U.S.C. § 284;

c. Award Plaintiffs enhanced damages three times the amount of damages found or assessed under 35 U.S.C. § 284 against those Defendants whose actions were willful;

d. Award Plaintiffs pre-judgment and post-judgment interest to the full extent allowed under the law, as well as their costs;

e. Order each Defendant to pay a reasonable royalty for each future infringement of the Patents-in-Suit;

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.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS  
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TECHNOLOGIES and CHRIMAR HOLDING  
COMPANY, LLC

**CERTIFICATE OF SERVICE**

I certify that on January 25, 2016, I caused true and correct copies of the foregoing to be filed and served via the Court's CM/ECF system.

/s/ Justin S. Cohen  
Justin S. Cohen