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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF ARIZONA**
13 **DIVISION ONE**

14 COMTECH EF DATA CORP.

15 Plaintiff,

16 vs.

17 SCIENTIFIC TELECOMMUNICATIONS,
18 INC.

19 Defendant.

Civil Action No. _____

**COMPLAINT FOR DECLARATORY
JUDGMENT OF NON-
INFRINGEMENT OF U.S. PATENT
NOS. 7,222,188; 6,058,429; 6,546,424
AND 6,519,259**

JURY TRIAL DEMANDED

20 Plaintiff Comtech EF Data Corp. (“Comtech”), hereby demands a jury trial, and for its
21 Complaint for Declaratory Judgment against Defendant Scientific Telecommunications LLC
22 (“SciTel”), alleges as follows:

23 **PARTIES**

24 1. Comtech is a Delaware corporation having its principal place of business at 2114
25 West 7th Street, Tempe, AZ 85281. Comtech offers a broad line of products that include
26 components for transmitting data to and from satellites.

1 9. Most of the party witnesses are located in the District of Arizona. Comtech was
2 founded in Tempe, Arizona, and has remained in the same location since the company's
3 inception. Comtech's executive leadership and its design and engineering staff are
4 predominantly located in the greater Phoenix area of Arizona.

5 10. Upon information and belief, SciTel acquired the SciTel Patents from a portfolio
6 owned by Trident IP Solutions LLC ("Trident"). In a press release dated March 31, 2014, the
7 SciTel Patents were among six separate patent portfolios offered for sale by Trident.

8 11. Upon information and belief, SciTel asserted, and continues to assert, the SciTel
9 Patents against technology companies. For example, and without limitation, SciTel brought suit
10 for three of the SciTel Patents against Brocade Communications Systems, Inc. ("Brocade") in
11 Delaware. Brocade's headquarters are believed to be within the Northern District of California.
12 Brocade moved to transfer the case to Northern California, arguing that Northern California was
13 the appropriate venue. The case settled prior to resolution of the motion. SciTel also brought
14 suit for the '188 and '429 Patents against Juniper Networks, Inc. ("Juniper") in Delaware.
15 Juniper's world headquarters are also believed to be within the Northern District of California.
16 Juniper moved to transfer the case to Northern California. The motion was not ruled upon, as
17 the parties appear to have settled. SciTel also brought suit for the '259 Patent against VT
18 iDirect, Inc. ("VT iDirect") in Delaware. Though VT iDirect is a Delaware corporation, its
19 headquarters are believed to be in Herndon, VA. The case against VT iDirect settled in
20 September 2016 prior to service of the complaint.

21 12. Upon information and belief, SciTel retained Capital Legal Group PLLC
22 ("Capital"), a Washington D.C. law firm, as counsel for this and other matters pertaining to
23 enforcement of SciTel's patent portfolio.

24 13. Since being approached by SciTel in September 2015, SciTel and Comtech have
25 engaged in discussion concerning SciTel's demand that Comtech enter into a license agreement
26 under one or more of the SciTel Patents. SciTel and Comtech have been unable to resolve their
positions concerning the need for a license under the SciTel Patents and, in light of the litigation
history of SciTel, Comtech is in immediate apprehension of being sued for infringement of one

1 or more of the SciTel Patents. Because of a non-disclosure agreement entered into by the
2 parties, Comtech is unable to provide the Court in this Complaint with specifics of the
3 discussion and the ultimate disagreement between SciTel and Comtech concerning the need for
4 a license to the SciTel Patents, but is prepared to do so under seal if necessary.

5 14. As a result of SciTel's demand that Comtech enter into a license agreement
6 concerning the SciTel Patents and Comtech's belief in its right to engage in business without a
7 license to the SciTel Patents, an actual controversy has arisen and now exists between the parties
8 as to whether Comtech infringes, contributes to the infringement of, or induces the infringement
9 of any valid claim of each of the SciTel Patents.

10 **COUNT ONE – DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF U.S.**
PATENT NO. 7,222,188

11 15. Comtech repeats and incorporates by reference its allegations in the foregoing
12 paragraphs.

13 16. An actual controversy has arisen and now exists between the parties as to whether
14 Comtech infringes, contributes to the infringement of, or induces infringement of any valid
15 claim of the '188 Patent.

16 17. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 et seq.,
17 Comtech requests a declaration from the Court that Comtech has not infringed any valid claim
18 of the '188 Patent, either directly, contributorily, or by inducement or either literally under the
19 doctrine of equivalents.

20 **COUNT TWO – DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF U.S.**
PATENT NO. 6,546,424

21 18. Comtech repeats and incorporates by reference its allegations in the foregoing
22 paragraphs.

23 19. An actual controversy has arisen and now exists between the parties as to whether
24 Comtech infringes, contributes to the infringement of, or induces infringement of any valid
25 claim of the '424 Patent.

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CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2016, I electronically transmitted the attached document to the Clerk's Office using the ECF System for filing:

United States District Court
Sandra Day O'Connor U.S. Courthouse
401 West Washington Street,
Phoenix, AZ 85003-2154

By: /s/ Lisa Franceschi