

1 Rasheed McWilliams (SBN 281832)

2 Rasheed@cotmanip.com

3 Daniel Cotman (SBN 218315)

4 dan@cotmanip.com

5 Obi I. Iloputaife (CBN 192271)

6 obi@cotmanip.com

7 COTMAN IP LAW GROUP, PLC

8 35 Hugus Alley, Suite 210

9 Pasadena, CA 91103

10 (626) 405-1413/FAX: (626) 316-7577

11 *Attorneys for Plaintiff*

12 *Lightwire, LLC*

13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA**

15 Lightwire, LLC, a California limited
16 liability company,

17 Plaintiff,

18 v.

19 Anova Technologies – SMG Holdings,
20 LLC, an Illinois limited liability
21 company, DOES 1 to 5, Inclusive,

22 Defendant.

Case No. 2:16-cv-08454

**COMPLAINT FOR PATENT
INFRINGEMENT AND
PERMANENT INJUNCTION**

DEMAND FOR JURY TRIAL

1 Plaintiff Lightwire, LLC, (“Lightwire” or “Plaintiff”), by and through its
2 undersigned counsel, for its Complaint against Defendant Anova Technologies – SMG
3 Holdings, LLC (“Anova” or “Defendant”) and DOES 1 through 5 (collectively
4 “Defendants”) makes the following allegations. These allegations are made upon
5 information and belief.

6 **NATURE OF THE ACTION**

7 1. This is an action against Defendants, and each of them, for infringement
8 of one or more claims of United States Patent No. 7,219,165 (“the 165 Patent”), for
9 infringement of one or more claims of United States Patent No. 7,730,217 (“the 217
10 Patent”), and for infringement of one or more claims of United States Patent No.
11 7,970,950 (“the 950 Patent”).

12 **THE PARTIES**

13 2. Lightwire, LLC is a limited liability company organized under the laws of
14 the State of California and has an office and principal place of business at 177 East
15 Colorado Boulevard, Suite 200, Pasadena, California 91101.

16 3. Defendant Anova Technologies – SMG Holdings, LLC is a limited
17 liability company with its principal office located in Illinois, at 205 N. Michigan
18 Avenue, Suite 4230, Chicago, Illinois 60601, which can be reached through its agent
19 for service of process, Leonard J. Gambino, 222 S. Riverside Plaza, Suite 2100,
20 Chicago, Illinois 60606.

21 4. The true names and capacities, whether individual, corporate or otherwise
22 of the Defendants named herein as DOES 1 to 5, inclusive, are unknown to Plaintiff,
23 who therefore sues Defendants by such fictitious names. Plaintiff will ask leave of
24 Court to amend this Complaint and insert the true names and capacities of said
25 Defendants when the same have been ascertained.

26 5. Plaintiff is informed and believes and, upon such, alleges that each of the
27 Defendants designated herein as “DOE” are allegedly responsible in some manner for
28 the evens and happenings herein alleged, and that Plaintiff’s damages as alleged herein
were approximately caused by such Defendants.

JURISDICTION AND VENUE

6. This patent infringement action arises under the patent laws of the United States including 35 U.S.C. §§ 271, et seq.

7. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because it arises under United States Patent law.

8. This Court has personal jurisdiction over the Defendant because they (either directly or through their subsidiaries, divisions, groups or divisions) have sufficient minimum contacts with the forum as a result of business conducted within the State of California and this district; and/or specifically over the Defendant (either directly or through their subsidiaries, divisions, groups or distributors) because of their infringing conduct within or directed at the State of California and this district.

9. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) and 1400(b).

FACTS

10. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,219,165 (“the 165 Patent”), entitled “High-Speed Data Transfer in a Networked Server Environment via Laser Communication,” which was duly and legally issued on May 15, 2007 by the United States Patent and Trademark Office (“USPTO”).

11. A copy of the 165 Patent is attached to this Complaint as Exhibit A.

12. The claims of the 165 Patent are valid and enforceable.

13. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,730,217 (“the 217 Patent”), entitled “High-Speed Data Transfer in a Networked Server Environment via Laser Communication,” which was duly and legally issued on June 1, 2010 by the United States Patent and Trademark Office (“USPTO”).

14. A copy of the 217 Patent is attached to this Complaint as Exhibit B.

15. The claims of the 217 Patent are valid and enforceable.

16. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,970,950 (“the 950 Patent”), entitled “High-Speed Data Transfer in a Networked Server Environment

1 via Laser Communication,” which was duly and legally issued on June 28, 2011 by the
2 United States Patent and Trademark Office (“USPTO”).

3 17. A copy of the 950 Patent is attached to this Complaint as Exhibit C.

4 18. The claims of the 950 Patent are valid and enforceable.

5 **COUNT I**

6 **CLAIM FOR PATENT INFRINGEMENT**

7 **UNDER 35 U.S.C. § 271 (‘165 PATENT)**

8 **(AGAINST DEFENDANTS)**

9 19. Plaintiff hereby incorporates by reference the allegations of paragraphs 1
10 through 18 of this Complaint as if fully set forth herein.

11 20. Defendants make, has made, sell, offer for sale, use and/or import into the
12 United States, radios that simulcast data across both millimeter wave and laser,
13 including without limitation the AOptix ULL3000 (“Accused Product(s)”).

14 21. Each of the Accused Product(s) uses a method for providing a multi-mode
15 network. See Exhibit D.

16 22. Each of the Accused Products senses a data rate between a first node and
17 a second node that are coupled together by both a non-laser transmission medium and
18 a free space laser transmission medium. See Exhibit D.

19 23. Each of the Accused Products switches between said non-laser
20 transmission medium and said laser transmission medium based upon said data rate.
21 See Exhibit D.

22 24. Each one of the steps performed by the Accused Product(s), itemized in
23 paragraphs 19-21 above, is a step in Claim 20 of the 165 Patent.

24 25. Thus, each of the Accused Products infringes at least Claim 20 of the 165
25 Patent.

26 26. Plaintiff has been, and will continue to be, irreparably harmed by
27 Defendants’ ongoing infringement of the 165 Patent.

28 27. As a direct and proximate result of Defendants’ infringement of the 165
Patent, Plaintiff has been and will continue to be damaged in an amount yet to be

1 determined, including but not limited to Plaintiff's lost profits and/or a reasonable
2 royalty.

3 **COUNT II: CLAIM FOR PATENT INFRINGEMENT**
4 **UNDER 35 U.S.C. § 271(a) ('217 PATENT)**
5 **(AGAINST DEFENDANTS)**

6 28. Plaintiff hereby incorporates by reference the allegations of paragraphs 1
7 through 18 of this Complaint as if fully set forth herein.

8 29. Defendants make, has made, sell, offer for sale, use and/or import into the
9 United States, radios that simulcast data across both millimeter wave and laser,
10 including without limitation the AOptix ULL3000 ("Accused Product(s)").

11 30. Each of the Accused Product(s) includes an apparatus for accelerating data
12 transfer between networked databases. See Exhibit D.

13 31. Each of the Accused Products includes means for communicating among
14 a plurality of servers by a TCP/IP protocol network. See Exhibit D.

15 32. Each of the Accused Products includes a means for communicating data
16 using a TCP/IP protocol between the servers via free space using at least one laser unit.
See Exhibit D.

17 33. Each one of the steps of the Accused Product(s), itemized in paragraphs
18 28-30 above, is an element in Claim 28 of the 217 patent.

19 34. Thus, each of the Accused Products infringes at least Claim 28 of the 217
20 patent.

21 35. Plaintiff has been, and will continue to be, irreparably harmed by
22 Defendants' ongoing infringement of the 217 patent.

23 36. As a direct and proximate result of Defendants' infringement of the 217
24 Patent, Plaintiff has been and will continue to be damaged in an amount yet to be
25 determined, including but not limited to Plaintiff's lost profits and/or a reasonable
26 royalty.

27 ///

28 ///

COUNT III: CLAIM FOR PATENT INFRINGEMENT
UNDER 35 U.S.C. § 271(a) ('950 PATENT)
(AGAINST DEFENDANTS)

37. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 through 18 of this Complaint as if fully set forth herein.

38. Defendants make, has made, sell, offer for sale, use and/or import into the United States, radios that simulcast data across both millimeter wave and laser, including without limitation the AOptix ULL3000 ("Accused Product(s)").

39. Each of the Accused Product(s) includes a system for accelerating data transfer between networked databases. See Exhibit D.

40. Each of the Accused Products includes a plurality of databases coupled by a network. See Exhibit D.

41. Each of the Accused Products includes at least one laser unit including a transmitter and a receiver mounted on and coupled to each database for communicating data between the databases via free space by way of a laser beam at a rate faster than that which the network is capable, wherein the laser units each move with two degrees of freedom and are movably positioned into alignment prior to communicating, and wherein the laser beam of the laser units is traced based upon a mathematical model prior to the laser units communicating the data in order to determine whether the laser units are capable of communicating data and wherein an alternate path for the laser beam is determined and/or the data is communicated via the network if the trace is unsuccessful. See Exhibit D.

42. Each one of the steps of the Accused Product(s), itemized in paragraphs 37-39 above, is an element in Claim 1 of the 950 patent.

43. Thus, each of the Accused Products infringes at least Claim 1 of the 950 patent.

44. Plaintiff has been, and will continue to be, irreparably harmed by Defendants' ongoing infringement of the 950 patent.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all issues and causes of action triable to a jury.

Respectfully submitted,

DATED: November 14, 2016

COTMAN IP LAW GROUP, PLC

s/Rasheed M. McWilliams

By: _____

Rasheed M. McWilliams

Obi I. Iloputaife

COTMAN IP LAW GROUP, PLC

35 Hugus Alley, Suite 210

Pasadena, CA 91103

(626) 405-1413/FAX: (626) 316-7577

Attorneys for Plaintiff

Lightwire, LLC