IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

OYSTER OPTICS, LLC, Plaintiff, v. FUJITSU NETWORK COMMUNICATIONS INC., Defendant.	Civil Action No. 2:16-cv-1299 **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq*. in which Plaintiff Oyster Optics, LLC ("Oyster" or "Plaintiff") makes the following allegations against Defendant Fujitsu Network Communications Inc. ("Fujitsu" or "Defendant").

PARTIES

1. Oyster Optics, LLC is a Texas company, and has a place of business at 11921 Freedom Drive, Suite 550, Reston, VA 20190.

2. On information and belief, Fujitsu is a Delaware corporation with its principal place of business at 2801 Telecom Parkway, Richardson, TX 75082. Fujitsu can be served through its registered agent C T Corporation System, 1999 Bryan St., Suite 900, Dallas, TX 75201.

3.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant in this action because, among other reasons, Defendant has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with the forum state of Texas. Defendant directly and/or through subsidiaries or intermediaries (including distributors, retailers, and others), has committed and continues to commit acts of infringement in this District by, among other things, making, using, importing, offering for sale, and/or selling products and/or services that infringe the patents-in-suit. Thus, Defendant purposefully availed itself of the benefits of doing business in the State of Texas and the exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice. Defendant is registered to do business in the State of Texas, and has appointed C T Corporation System as its agent for service of process.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b) because Defendant is subject to personal jurisdiction in this District, have transacted business in this District and have committed acts of patent infringement in this District.

BACKGROUND

7. In the early 2000s, Oyster Optics, Inc., a research, development, and engineering company, was focused upon innovation in government, commercial, security, and broad-band applications of leading edge fiber optics technology. Mr. Peter ("Rocky") Snawerdt was at

Oyster Optics, Inc. when he invented the subject matter of U.S. Patent Nos 7,620,327; 8,374,511; and 8,913,898 (collectively, "asserted patents" or "patents-in-suit").

8. Oyster is the owner by assignment of United States Patent No. 7,620,327 ("the '327 Patent") entitled "Fiber Optic Telecommunications Card with Energy Level Monitoring." The '327 Patent was duly and legally issued by the United S0tates Patent and Trademark Office on November 17, 2009. A true and correct copy of the '327 Patent is included as Exhibit A.

9. Oyster is the owner by assignment of United States Patent No. 8,374,511 ("the '511 Patent") entitled "Fiber Optic Telecommunications Card with Energy Level Monitoring." The '511 Patent was duly and legally issued by the United States Patent and Trademark Office on February 12, 2013. A true and correct copy of the '511 Patent is included as Exhibit B.

10. Oyster is the owner by assignment of United States Patent No. 8,913,898 ("the '898 Patent") entitled "Fiber Optic Telecommunications Card with Energy Level Monitoring." The '898 Patent was duly and legally issued by the United States Patent and Trademark Office on December 16, 2014. A true and correct copy of the '898 Patent is included as Exhibit C.

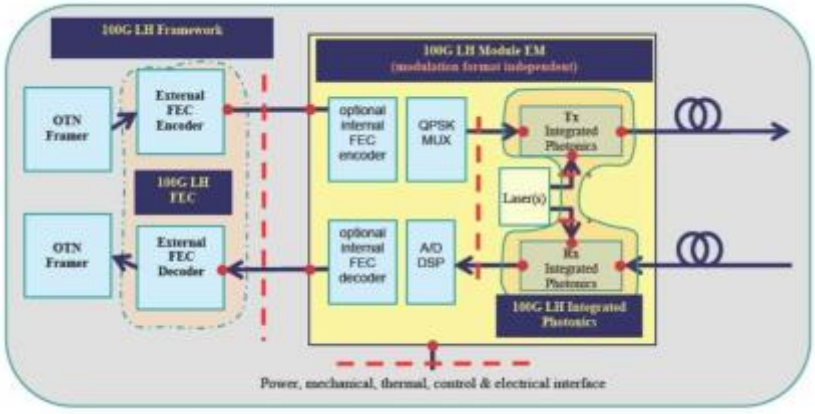
COUNT I

INFRINGEMENT OF THE '327 PATENT

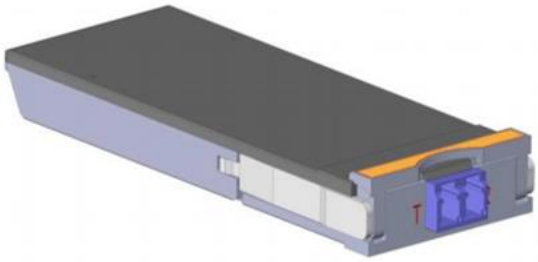
11. Oyster references and incorporates by reference paragraphs 1 through 9 of this Complaint.

12. On information and belief, the exemplary infringing products practice a method for operating an optical fiber multiplexor in a phase modulation mode. These products include, without limitation, the Fujitsu FC9565TDA1 100G Transponder ("100G Transponder") and FLASHWAVE 9500 ("100G Accused Instrumentalities").

13. On information and belief, the 100G Accused Instrumentalities are transceiver card for a telecommunications box for transmitting data over a first optical fiber and receiving data over a second optical fiber. The 100G Accused Instrumentalities, on information and belief, are designed in accordance with Optical Internetworking Forum ("OIF") specifications. The implementation of an exemplary OIF standardized DP-QPSK transceiver for sending and receiving data over optical fibers is depicted below. The blocks shown below are printed on a single circuit board or card.

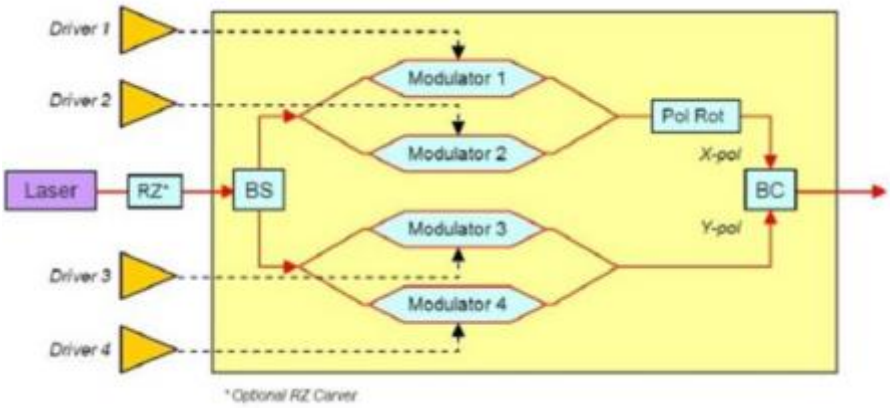


The figure below depicts a product designed in accordance with the OIF CFP2 ACO standard, which shows a module or card that is implemented in a telecommunications box or system.



14. On information and belief, the 100G Accused Instrumentalities comprise a transmitter for transmitting data over the first optical fiber, the transmitter having a laser, a

modulator, and a controller receiving input data and controlling the modulator as a function of the input data, the transmitter transmitting optical signals for telecommunication as a function of the input data. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G standard comprise a laser and a modulator. As shown below, OIF 100G Standard devices employ lasers and modulators.



15. As shown below, the Accused Instrumentalities designed in accordance with the OIF CFP2 ACO Standard contain a transmitter (Tx Coherent Optics) with a laser, a modulator, and a driver which is configured to receive input data and control the modulator to generate a first optical signal as a function of the input data.

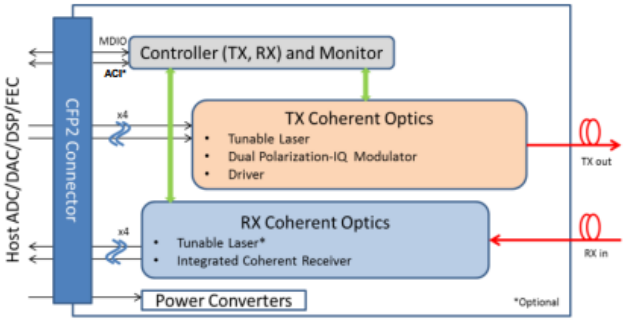


Figure 2 CFP2-ACO Module High Level Block Diagram

16. The figure below depicts an exemplary controller consistent with the OIF CPA2 ACO Standard, and, on information and belief, utilized by the 100G Accused Instrumentalities that is configured to receive input data and control the modulator to generate a first optical signal as a function of the input data.

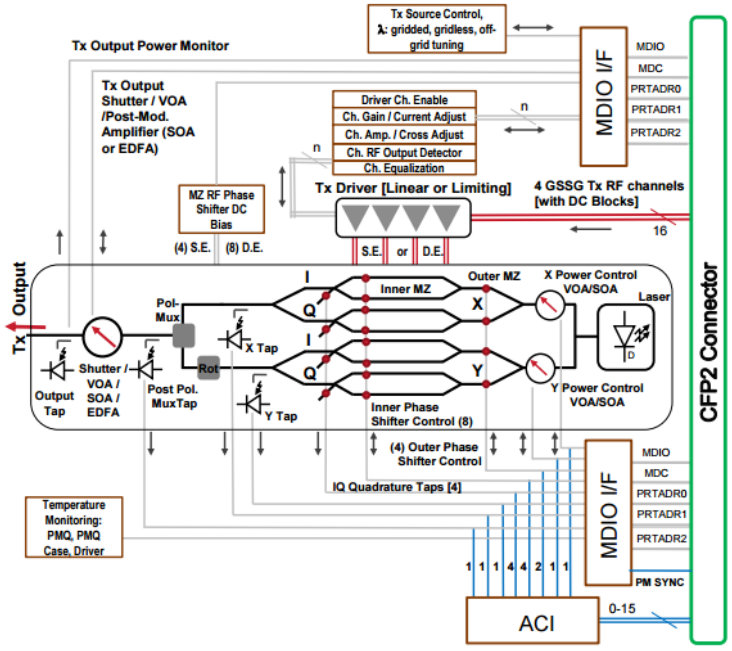


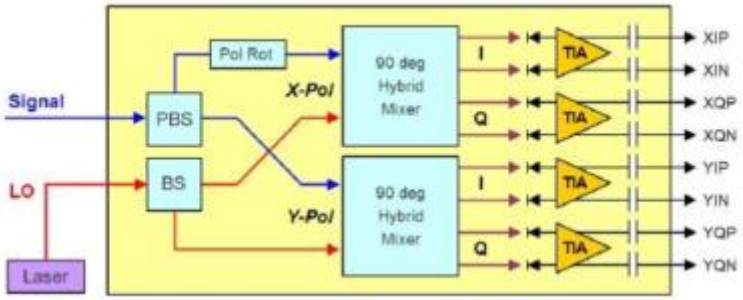
Figure 4: Superset Transmit Function Block Diagram with an MDIO plus Full Superset Analog Control Interface (ACI)

17. On information and belief, the 100G Accused Instrumentalities comprise a fiber output optically connected to the laser for connecting the first optical fiber to the card. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G

Standard utilize a laser's optical output as connected through "Tx Integrated Photonics" and an output to reach the optical transmission fiber, as depicted earlier above. A first optical fiber is also depicted as the "Tx out" of the exemplary OIF CFP2 ACO Standardized module.

18. On information and belief, the 100G Accused Instrumentalities comprise a fiber input for connecting the second optical fiber to the card. As depicted earlier above, a fiber receives the data going into the transceiver card.

19. On information and belief, the 100G Accused Instrumentalities comprise a receiver optically connected to the fiber input for receiving data from the second optical fiber. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G Standard utilize a receiver module, below, that receives the optical signal from the receiver fiber at "Signal."



20. As shown below, a module designed in accordance with the OIF CPD2 ACO Standard also depicts a receiver.

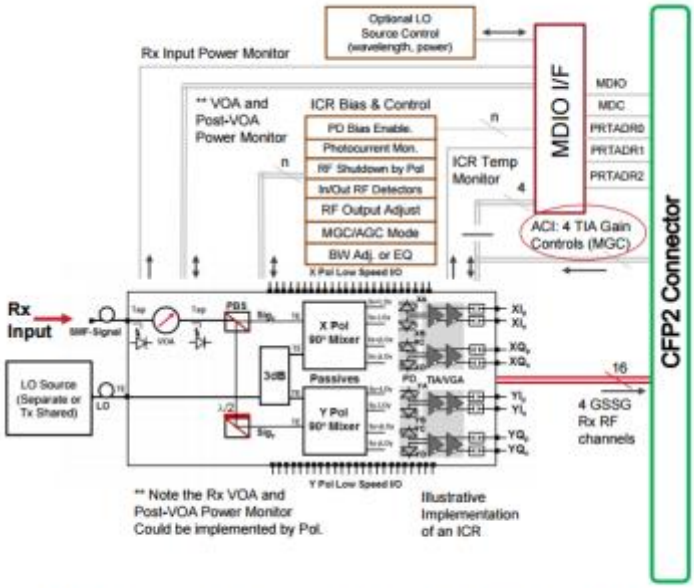
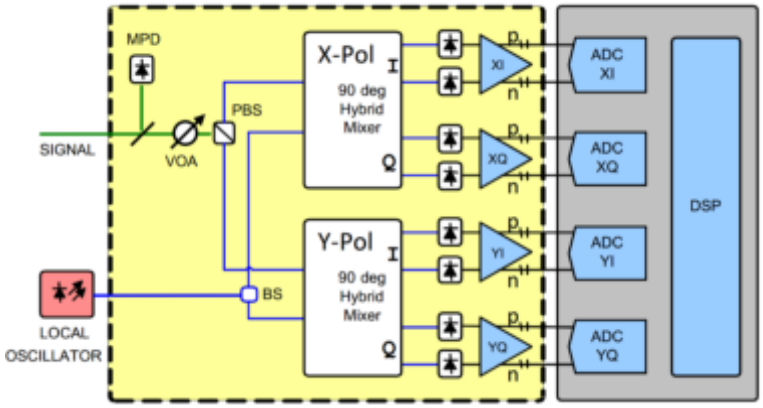


Figure 6: Superset Receive Function Block Diagram with an MDIO plus Full Superset Analog Control Interface (ACI)

21. On information and belief, the 100G Accused Instrumentalities comprise an energy level detector optically connected between the receiver and the fiber input to measure an energy level of the optical signals, wherein the energy level detector includes a plurality of thresholds. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G Standard contain an energy level detector (power tap or monitor photodetector ("MPD")), as the OIF 100G Standard specifies an integrated receiver module whose functional diagram is shown below.



One of the basic requirements for the coherent receiver is an optical power tap or monitor photodiode ("MPD") in the signal input path. This MPD provides a representation of the optical signal strength in the form of an electrical signal. The electrical signal is measured, and provides an indication of the energy level of the optical signal. Table 1 specifies the opto-electrical properties of the receiver. The average optical power of the operating signal has minimum, typical and maximum threshold values.

Table 1

Table 7: Opto-electrical properties

Parameter	Units	Min	Typ	Max	Comments
Symbol Rate	GBaud			32	
Operating Signal Power	dBm	-18	-10	0	Average optical power
Local Oscillator Power	dBm				See Figure 5 for recommended operating conditions.
Linear output swing adjustment range Standard Extended	 mVppd mVppd	 300 400	 500	 700 900	Peak to peak, differential, AC coupled

The defined parameters (e.g., current, average, minimum, and maximum) for the receiver input power are as depicted in Table 2 below.

Table 2

Rx Total Optical Power Monitoring [13.3 Provides Existing MIS Rx Input Power Monitoring Registers]						
B4E0 [2.0] [OOO]	1	RO	15~0	Current Input Power [Total Rx Optical]	A signed 16-bit integer with the LSB = 0.01dBm. [2.6 commentary: Preferred Register for CFP2-ACO *Total* Current Rx Input Power.]	
B4F0 [2.0] [OOO]	1	RO	15~0	Average Input Power over PM interval [Total Rx Optical]	A signed 16-bit integer with the LSB = 0.01dBm. [2.6 commentary: Preferred Register for CFP2-ACO *Average Total* Current Rx Input Power.]	
B500 [2.0] [OOO]	1	RO	15~0	Minimum Input Power over PM interval [Total Rx Optical]	A signed 16-bit integer with the LSB = 0.01dBm. [2.6 commentary: Preferred Register for CFP2-ACO *Minimum Total* Current Rx Input Power.]	
B510 [2.0] [OOO]	1	RO	15~0	Maximum Input Power over PM interval [Total Rx Optical]	A signed 16-bit integer with the LSB = 0.01dBm. [2.6 commentary: Preferred Register for CFP2-ACO *Maximum Total* Current Rx Input Power.]	

Tables 1 and 2 above specify the opto-electrical properties of the receiver. The average optical power of the operating signal has minimum, typical and maximum threshold values.

22. On information and belief, Defendant has directly infringed and continues to directly infringe the ’327 Patent by, among other things, making, using, offering for sale, and/or selling the ’327 100G Accused Instrumentalities, including the 100G Transponder. On information and belief, such products and/or services are covered by one or more claims of the ’327 Patent, including at least claim 1. On information and belief, Defendant also sold and offered for sale other 100G Transponder products or products containing a 100G Transponder, such as the FLASHWAVE 9500, that also infringe in a substantially similar manner.

23. By making, using, offering for sale, and/or selling the 100G Accused Instrumentalities infringing the ’327 Patent, Defendant has injured Oyster and is liable to Oyster for infringement of the ’327 Patent pursuant to 35 U.S.C. § 271(a) directly and/or under the doctrine of equivalents.

24. In addition, Defendant actively induces others, including without limitation customers and end users of 100G Accused Instrumentalities, to directly infringe each and every claim limitation, including without limitation claim 1 of the ’327 Patent, in violation of 35 U.S.C. § 271(b). Upon information and belief, Defendant’s customers and/or end users have directly infringed and are directly infringing each and every claim limitation, including without limitation claim 1 of the ’327 Patent. Defendant has actual knowledge of the ’327 Patent at least as of service of this Complaint. Defendant is knowingly inducing its customers and/or end users to directly infringe the ’327 Patent, with the specific intent to encourage such infringement, and knowing that the induced acts constitute patent infringement. Defendant’s inducement includes, for example, providing technical guides, product data sheets, demonstrations, software and hardware specifications, installation guides, and other forms of support that induce its customers and/or end users to directly infringe the ’327 Patent.

25. To the extent facts learned in discovery show that Defendant's infringement of the '327 Patent is or has been willful, Oyster reserves the right to request such a finding at time of trial.

26. As a result of Defendant's infringement of the '327 Patent, Oyster has suffered monetary damages in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court, and Oyster will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

27. Unless a permanent injunction is issued enjoining Defendant and its agents, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '327 Patent, Oyster will be greatly and irreparably harmed.

COUNT II

INFRINGEMENT OF THE '511 PATENT

28. Oyster references and incorporates by reference paragraphs 1 through 26 of this Complaint.

29. On information and belief, Defendant makes, uses, offers to sell and/or sells in the United States the 100G Accused Instrumentalities that infringe various claims of the '511 Patent, and continues to do so.

30. On information and belief, the 100G Accused Instrumentalities practice a method for operating an optical fiber multiplexor in a phase modulation mode. The '511 Accused Instrumentalities, such as the exemplary FC9565TDA1 100G Transponder ("100G Transponder"), on information and belief, are designed in accordance with the OIF 100G Standard specifying DP-QPSK as the modulation format for 100G. On information and belief,

the 100G Accused Instrumentalities are also designed in accordance with the OIF CFP2 ACO Standard.

31. On information and belief, the 100G Accused Instrumentalities perform the step of feeding input data to a controller of a transmitter of a telecommunications box, the telecommunications box having an electronic data input for the input data and an electronic data output. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G standard comprise a laser and a modulator. As shown earlier above, OIF 100G Standard devices employ lasers and modulators. As shown above, OIF 100G Standard devices employ lasers and modulators. The signal passes to the transceiver module. Data is converted to drive signals to control the optical modulators. A transmit laser provides the light source for the modulators. On the receive side the incoming signal is mixed with a local oscillator, demodulated into components, detected, amplified, digitized, then passed into the DSP module.

32. On information and belief, the 100G Accused Instrumentalities perform the step of using the controller, controlling a modulator to phase modulate light from a laser as a function of the input data. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G Standard utilized a transceiver where data is converted to drive signals to control the optical modulators, as shown earlier above. The exemplary 100G Transponder has modulators which phase modulate the laser as a function of the input data from the 100G FEC ASIC.

33. On information and belief, the 100G Accused Instrumentalities perform the step of sending the modulated light as an optical signal from the transmitter over an optical fiber. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G transmit phase modulated optical signal over an optical fiber, as shown earlier above.

34. On information and belief, the 100G Accused Instrumentalities perform the step of receiving the optical signals from the optical fiber at a receiver of a further telecommunications box and converting the optical signals to electronic output data. An exemplary fiber input optically connected to the receiver and configured to optically connect the second optical fiber to the transceiver card is also depicted earlier above at the "Rx in" of the exemplary OIF-CFP2-ACO Standardized module, and at the connection between the RX Coherent Optics block and the CFP2 Connector. On information and belief, the 100G Accused Instrumentalities designed in accordance with the OIF-DPC-RX Standard utilize an integrated receiver module.

35. On information and belief, the 100G Accused Instrumentalities perform the step of passing the phase-modulated optical signals to a photodetector to produce an electric signal. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G and OIF-DPC-RX Standards utilize a monitoring photodiode (MPD) that taps and receives the phase-modulated incoming optical signal and produces an electrical signal in response, as depicted in earlier above. For example, the exemplary 100G Transponder passes a phase modulated signal to a PIN photodetector to produce an electrical signal.

36. On information and belief, the 100G Accused Instrumentalities perform the step of filtering the electrical signal to produce an average optical power. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G Standard contain an energy level detector (power tap or monitor photodiode (MPD)), as the OIF 100G Standard specifies an integrated receiver module whose functional diagram is shown earlier above. One of the basic requirements for the coherent receiver is an optical power tap ("MPD") in the signal input path.

Table 1 specifies the opto-electrical properties of the receiver. The average optical power of the operating signal has minimum, typical and maximum threshold values.

37. On information and belief, Defendant has directly infringed and continues to directly infringe the ’511 Patent by, among other things, making, using, offering for sale, and/or selling the ’511 100G Accused Instrumentalities, including the 100G Transponder. On information and belief, such products and/or services are covered by one or more claims of the ’511 Patent, including at least claim 9. On information and belief, Defendant also sold and offered for sale other 100G Transponder products or products containing a 100G Transponder, such as the FLASHWAVE 9500, that also infringe in a substantially similar manner.

38. By making, using, offering for sale, and/or selling the 100G Accused Instrumentalities infringing the ’511 Patent, Defendant has injured Oyster and is liable to Oyster for infringement of the ’511 Patent pursuant to 35 U.S.C. § 271(a) directly and/or under the doctrine of equivalents.

39. In addition, Defendant is actively inducing others, such as its customers and end users of 100G Accused Instrumentalities, services based thereupon, and related products and/or processes, to directly infringe each and every claim limitation, including without limitation claim 9 of the ’511 Patent, in violation of 35 U.S.C. § 271(b). Upon information and belief, Defendant’s customers and/or end users have directly infringed and are directly infringing each and every claim limitation, including without limitation claim 9 of the ’511 Patent. Defendant has actual knowledge of the ’511 Patent at least as of service of this Complaint. Defendant is knowingly inducing its customers and/or end users to directly infringe the ’511 Patent, with the specific intent to encourage such infringement, and knowing that the induced acts constitute patent infringement. Defendant’s inducement includes, for example, providing technical guides,

product data sheets, demonstrations, software and hardware specifications, installation guides, and other forms of support that induce its customers and/or end users to directly infringe the ’511 Patent.

40. To the extent facts learned in discovery show that Defendant’s infringement of the ’511 Patent is or has been willful, Oyster reserves the right to request such a finding at time of trial.

41. As a result of Defendant’s infringement of the ’511 Patent, Oyster has suffered monetary damages in an amount adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court, and Oyster will continue to suffer damages in the future unless Defendant’s infringing activities are enjoined by this Court.

42. Unless a permanent injunction is issued enjoining Defendant and its agents, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the ’511 Patent, Oyster will be greatly and irreparably harmed.

COUNT III

INFRINGEMENT OF THE ’898 PATENT

43. Oyster references and incorporates by reference paragraphs 1 through 41 of this Complaint.

44. On information and belief, Defendant makes, uses, offers to sell and/or sells in the United States the 100G Accused Instrumentalities that infringe various claims of the ’898 Patent, and continues to do so.

45. On information and belief, the 100G Accused Instrumentalities are a transceiver card for a telecommunications box for transmitting data over a first optical fiber and receiving

data over a second optical fiber. For example, the exemplary Fujitsu FC9565TDA1 100G Transponder ("100G Transponder") is a transceiver card for a telecommunications box for transmitting data over a first optical fiber and receiving data over a second optical fiber. The 100G Accused Instrumentalities, on information and belief, are designed in accordance with OIF 100G Standard. OIF has focused on DP-QPSK as the modulation format for 100G. On information and belief, the 100G Accused Instrumentalities are also designed in accordance with the OIF CFP2 ACO Standard. An exemplary OIF standardized DP-QPSK transceiver for sending and receiving data over optical fibers is shown earlier above. The blocks depicted are implemented on a card.

46. On information and belief, the 100G Accused Instrumentalities comprise a transmitter having a laser, a modulator, and a controller configured to receive input data and control the modulator to generate a first optical signal as a function of the input data. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G standard comprise a laser and a modulator. As shown earlier above, OIF 100G Standard devices employ lasers and modulators. As shown earlier above, the Accused Instrumentalities designed in accordance with the OIF CFP2 ACO Standard contain a transmitter (Tx Coherent Optics) with a laser, a modulator, and a driver which is configured to receive input data and control the modulator to generate a first optical signal as a function of the input data. As shown earlier above, an exemplary controller consistent with the OIF CPA2 ACO Standard, and, on information and belief utilized by the 100G Accused Instrumentalities, is configured to receive input data and control the modulator to generate a first optical signal as a function of the input data. The exemplary 100G Transponder has modulators which phase modulate the laser as a function of the input data from the 100G FEC ASIC.

47. On information and belief, the 100G Accused Instrumentalities comprise a fiber output optically connected to the transmitter and configured to optically connect the first optical fiber to the transceiver card. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G Standard utilize a laser's optical output as connected through the "Tx Integrated Photonics" depicted earlier above. Also depicted earlier above is an output to reach the optical transmission fiber. A first optical fiber is also depicted earlier above at the "Tx out" of the exemplary OIF CFP2 ACO Standardized module.

48. On information and belief, the 100G Accused Instrumentalities comprise a receiver configured to receive a second optical signal from the second optical fiber and to convert the second optical signal to output data. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G Standard, including the OIF CPD2 ACO Standard, utilize a receiver module depicted earlier above that receives the optical signal from the receiver fiber at "Signal." As shown earlier above, the exemplary 100G Transponder has a receiver configured to receive a second optical signal from the second optical fiber. The fiber transmits the modulated light signal from the trunk interface to the receiver. The received signal is further processed to electronic output data.

49. On information and belief, the 100G Accused Instrumentalities comprise a fiber input optically connected to the receiver and configured to optically connect the second optical fiber to the transceiver card. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G Standard connect the laser's optical output through the "Rx Integrated Photonics", and also specify an output to reach the optical transmission fiber, as depicted earlier above. An exemplary fiber input optically connected to the receiver and configured to optically connect the second optical fiber to the transceiver card is also depicted at

earlier above at the "Rx in" of the exemplary OIF CFP2 ACO Standardized module, and at the connection between the RX Coherent Optics block and the CFP2 Connector.

50. On information and belief, the 100G Accused Instrumentalities comprise an energy level detector optically connected between the receiver and the fiber input to measure an energy level of the second optical signal, wherein the energy level detector includes a plurality of thresholds. For example, the 100G Accused Instrumentalities designed in accordance with the OIF 100G Standard and, for example, the OIF DPC RX Standard, contain an energy level detector depicted by the monitoring photodiode ("MPD"). The OIF 100G and OIF DPC RX Standards specify an integrated receiver module whose functional diagram is shown earlier above. One of the basic requirements for the coherent receiver is an optical power tap (monitor photodiode or "MPD") in the signal input path. This MPD provides a representation of the optical signal strength in the form of an electrical signal. The electrical signal is measured, and provides an indication of the energy level of the optical signal. Table 1 specifies the opto-electrical properties of the receiver. The average optical power of the operating signal has minimum, typical and maximum threshold values.

51. On information and belief, Defendant has directly infringed and continues to directly infringe the '898 Patent by, among other things, making, using, offering for sale, and/or selling the '898 100G Accused Instrumentalities, including the 100G Transponder. On information and belief, such products and/or services are covered by one or more claims of the '898 Patent, including at least claim 1. On information and belief, Defendant also sold and offered for sale other 100G Transponder products or products containing a 100G Transponder, such as the FLASHWAVE 9500, that also infringe in a substantially similar manner.

52. By making, using, offering for sale, and/or selling the 100G Accused Instrumentalities infringing the ’898 Patent, Defendant has injured Oyster and is liable to Oyster for infringement of the ’898 Patent pursuant to 35 U.S.C. § 271(a) directly and/or under the doctrine of equivalents.

53. In addition, Defendant is actively inducing others, such as its customers and end users of 100G Accused Instrumentalities, services based thereupon, and related products and/or processes, to directly infringe each and every claim limitation, including without limitation claim 1 of the ’898 Patent, in violation of 35 U.S.C. § 271(b). Upon information and belief, Defendant’s customers and/or end users have directly infringed and are directly infringing each and every claim limitation, including without limitation claim 1 of the ’898 Patent. Defendant has actual knowledge of the ’898 Patent at least as of service of this Complaint. Defendant is knowingly inducing its customers and/or end users to directly infringe the ’898 Patent, with the specific intent to encourage such infringement, and knowing that the induced acts constitute patent infringement. Defendant’s inducement includes, for example, providing technical guides, product data sheets, demonstrations, software and hardware specifications, installation guides, and other forms of support that induce its customers and/or end users to directly infringe the ’898 Patent.

54. To the extent facts learned in discovery show that Defendant’s infringement of the ’898 Patent is or has been willful, Oyster reserves the right to request such a finding at time of trial.

55. As a result of Defendant’s infringement of the ’898 Patent, Oyster has suffered monetary damages in an amount adequate to compensate for Defendant’s infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together

with interest and costs as fixed by the Court, and Oyster will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

56. Unless a permanent injunction is issued enjoining Defendant and its agents, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '898 Patent, Oyster will be greatly and irreparably harmed.

PRAYER FOR RELIEF

Plaintiff respectfully requests the following relief from this Court:

A. A judgment that Defendant has infringed one or more claims of the '327, '511, and/or '898 Patents;

B. A permanent injunction enjoining Defendant and its officers, directors, agents, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with Defendant, from infringing the '327, '511, and/or '898 Patents;

C. A judgment and order requiring Defendant to pay Oyster its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's acts of infringement in accordance with 35 U.S.C. § 284;

D. A judgment and order requiring Defendant to provide accountings and to pay supplemental damages to Oyster, including, without limitation, prejudgment and post-judgment interest;

E. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Oyster its reasonable attorneys' fees against Defendant; and

F. Any and all other relief to which Oyster may show itself to be entitled.

JURY TRIAL DEMANDED

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Oyster requests a trial by jury of any issues so triable by right.

Dated: November 23, 2016

Respectfully submitted,

/s/ *Marc A. Fenster*

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