

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CASSIOPEIA IP LLC,

Plaintiff,

v.

ALE USA, INC.

Defendant.

C.A. No.

TRIAL BY JURY DEMANDED

COMPLAINT FOR INFRINGEMENT OF PATENT

COMES NOW, Cassiopeia IP LLC (“Cassiopeia” or Plaintiff), through the undersigned attorneys, and respectfully alleges, states, and prays as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 United States Code (“U.S.C.”) to prevent and enjoin defendant ALE USA, Inc. (hereinafter “Defendant”), from infringing and profiting, in an illegal and unauthorized manner and without authorization and/or of the consent from Cassiopeia, from U.S. Patent No. 7,322,046 (the “’046 patent”, attached hereto as Exhibit “A”) pursuant to 35 U.S.C. §271, and to recover damages, attorney’s fees, and costs.

THE PARTIES

2. Plaintiff Cassiopeia is a Texas entity with its principal place of business at 6205 Coit Rd Ste 300-1017, Plano, Texas 75024.

3. Upon information and belief, Defendant is a corporation organized under the laws of Delaware, having a principal place of business at 26801 West Agoura Rd. Calabasas, California 91301. Upon information and belief, Defendant may be served with process at Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

JURISDICTION AND VENUE

4. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a) because the action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 et seq.

5. This Court has personal jurisdiction over Defendant by virtue of its systematic and continuous contacts with this jurisdiction, including residing in Delaware, as well as because of the injury to Cassiopeia, and the cause of action Cassiopeia has risen, as alleged herein.

6. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long Arm Statute, *Del. Code. Ann. Tit. 3, § 3104*, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Delaware and in this judicial district.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) because Defendant resides in this District.

FACTUAL ALLEGATIONS

8. On January 22, 2008, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '046 patent, entitled "Method and system for the secure use of a network service" after a full and fair examination. (Exhibit A).

9. Cassiopeia is presently the owner of the patent, having received all right, title and interest in and to the '046 patent from the previous assignee of record. Cassiopeia possesses all rights of recovery under the '046 patent, including the exclusive right to recover for past infringement.

10. The '046 patent contains two independent claims and five dependent claims. Defendant commercializes, inter alia, methods that perform all the steps recited in at least one claim of the '046 patent.

11. The invention claimed in the '046 patent comprises a method for secure use of a network service using a blackboard on which all usable services are entered.

12. The method allows a user to securely use services not previously listed on said blackboard. When the request is submitted to the SMS gateway, the gateway issues a response.

13. The technology embodied by the '046 patent improved networks services at the time of the invention by providing a secure way to use network services that were not previously recognized on said network.

DEFENDANT'S PRODUCTS

14. Defendant offers products, such as the "Alcatel Lucent OmniAccess WLAN Controllers" (the "Accused Instrumentality"), that enable secure use of a network service (e.g., DLNA (Digital Living Network Alliance) UPnP (Universal plug and play) services) using a blackboard (e.g., the accused product's software component which comprises, among other things, a cache table to maintain a list of discovered services in a network which also provides access to a service according to a user role and location) on which all usable services (e.g., DLNA UPnP services) are entered, as recited in the preamble of claim 1 of the '046 patent and as shown on Defendant's website¹.

15. As recited in the first step of claim 1, the Accused Instrumentality practices detecting a service (e.g., a DLNA UPnP service) which has not yet been entered on the blackboard (e.g., the accused product's software component which comprises, among other things, the list of

¹ <https://www.al-enterprise.com/en/products/wlan/omniaccess-wlan-controllers>, last visited March 22, 2019.

services). When a new DLNA UPnP service joins the network, the accused instrumentality advertises its service through a discovery message. The accused product maintains a cache table to list discovered services and it adds the newly discovered service in the table.

16. As recited in the second step of claim 1, the Accused Instrumentality practices executing a first check (e.g., administrator can implement native policies such as VLAN ID and the policies defined on CPPM to determine the services that are allowed and can be discovered in the network) to determine whether use of the service is allowed. The Accused Instrumentality maintains policies to determine which services are allowed and can be discovered in the network. The administrator can configure native policies such as based on VLAN IDs and policies defined on CPPM to determine allowed services on the network. The AirGroup services including DLNA UPnP services are checked based on these configured policies to determine whether a service is allowed or not.

17. As recited in the third step of claim 1, the Accused Instrumentality practices entering the service (e.g., a DLNA UPnP service) in the blackboard (e.g., the accused product's software component which comprises, among other things, the list of services) only if it is determined that use of the service is allowed. The Accused Instrumentality maintains a cache table to list discovered services and it adds the newly allowed and discovered service in the table.

18. As recited in the fourth step of claim 1, the Accused Instrumentality practices loading an interface driver (e.g., software component pertaining to the user interface to command or control the service) related to the service on the blackboard (e.g., the accused product's software component which comprises, among other things, the list of services). The Accused Instrumentality learns about capabilities of a DLNA UPnP service and interacts with the service

through a description provided by a URL in the discovery message. Said URL enables (leads to) access to interfaces to control said service.

19. As recited in the fifth step of claim 1, the Accused Instrumentality practices extending the loaded interface driver (e.g., the software pertaining to the user interface to command or control the service) on the blackboard (e.g., the accused product's software component which comprises, among other things, the list of services) with at least one security function (e.g., role-based access control) to form a secured interface driver (e.g., software pertaining to the interface is secured to enable secured access to a DLNA UPnP service).

20. As recited in the sixth step of claim 1, the Accused Instrumentality practices loading the secured interface driver (e.g., the software pertaining to the user interface to command or control the service in secured form) related to the service prior to the first use of the service.

21. As recited in the seventh step of claim 1, the Accused Instrumentality practices executing a second check (e.g., access control) by a second security function (e.g., role-based access control) prior to the use of the service to determine if use of the service is allowed by a user.

22. The elements described in paragraphs 14-21 are covered by at least claim 1 of the '046 patent. Thus, Defendant's use of the Accused Product is enabled by the method described in the '046 patent.

COUNT I
(DIRECT INFRINGEMENT OF THE '046 PATENT)

23. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1 to 22.

24. Defendant has, prior to launching the Accused Product in the United States, performed internal testing with said Accused Product.

25. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing the '046 patent.

26. Defendant has had knowledge of infringement of the '046 patent at least as of the service of the present complaint.

27. Defendant has directly infringed and continues to directly infringe at least claim 1 of the '046 patent by using, at least through internal testing, the Accused Instrumentality without authority in the United States, and will continue to do so unless enjoined by this Court. As a direct and proximate result of Defendant's direct infringement of the '046 patent, Plaintiff has been and continues to be damaged.

28. By engaging in the conduct described herein, Defendant has injured Cassiopeia and is thus liable for infringement of the '046 patent, pursuant to 35 U.S.C. § 271.

29. Defendant has committed these acts of infringement without license or authorization.

30. As a result of Defendant's infringement of the '046 patent, Cassiopeia has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

31. Cassiopeia will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court. As such, Cassiopeia is entitled to compensation for any continuing and/or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement.

COUNT II
(INDIRECT INFRINGEMENT OF THE '046 PATENT)

32. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1 to 31.

33. In violation of 35 U.S.C. § 271, Defendant is now, and has been indirectly infringing the '046 patent.

34. Defendant has had knowledge of infringement of the '046 patent at least as of the service of the present complaint.

35. Defendant has indirectly infringed and continues to indirectly infringe at least claim 1 of the '046 patent by actively inducing its respective customers, users, and/or licensees to directly infringe by using the Accused product. Defendant engaged or will have engaged in such inducement having knowledge of the '046 patent. Furthermore, Defendant knew or should have known that its action would induce direct infringement by others and intended that its actions would induce direct infringement by others. For example, Defendant sells, offers to sell and advertises the Accused Product through websites or digital distribution platforms that are available in Delaware, specifically intending that its customers use it. Furthermore, Defendant's customers' use of the Accused Product is facilitated by the invention described in the '046 patent. As a direct and proximate result of Defendant's indirect infringement by inducement of the '046 patent, Plaintiff has been and continues to be damaged.

36. By engaging in the conduct described herein, Defendant has injured Cassiopeia and is thus liable for infringement of the '046 patent, pursuant to 35 U.S.C. § 271.

37. Defendant has committed these acts of infringement without license or authorization.

38. As a result of Defendant's infringement of the '046 patent, Cassiopeia has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs. Cassiopeia will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

As such, Cassiopeia is entitled to compensation for any continuing and/or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement.

DEMAND FOR JURY TRIAL

39. Cassiopeia demands a trial by jury of any and all causes of action.

PRAYER FOR RELIEF

WHEREFORE, Cassiopeia prays for the following relief:

a. That Defendant be adjudged to have directly infringed the Patents-In-Suit either literally or under the doctrine of equivalents;

b. An accounting of all infringing sales including, but not limited to, those sales not presented at trial;

c. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly infringing the Patent-In-Suit;

d. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate Cassiopeia for the Defendant's past infringement and any continuing or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement, including compensatory damages;

e. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. §284; and

f. That Cassiopeia have such other and further relief as this Court may deem just and proper.

Dated: March 29, 2019

Respectfully Submitted,

By: /s/ Timothy Devlin

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