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*Attorneys for Plaintiff
BE Labs, Inc.*

**IN THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

BE Labs, Inc.,

Plaintiff,

v.

ASRock America, Inc.,

Defendant.

Case No. 2:19-cv-2637

**COMPLAINT – JURY TRIAL
DEMANDED**

Plaintiff, **BE Labs, Inc.** (“BE Labs”), through its attorney, Peter Corocoran, complains of **ASRock America, Inc.** (“ASRock”) and alleges the following:

Parties

1. Plaintiff BE Labs, Inc. is a corporation organized and existing under the laws of New York that maintains its principal place of business at 1285 Greenbriar

1 Lane, North Belmore, NY 11710.

2 2. Defendant ASRock America, Inc. is a corporation organized and
3 existing under the laws of California that maintains its principal place of business at
4 13848 Magnolia Ave., Chino, CA 91710.
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6 **Jurisdiction**

7 3. This is an action for patent infringement arises under the patent laws of
8 the United States, Title 35 of the United States Code.
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10 4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§
11 1331 and 1338(a).

12 5. This Court has personal jurisdiction over ASRock because it has
13 engaged in systematic and continuous business activities in the Central District of
14 California. Specifically, ASRock is incorporated in the state of California and
15 provides its full range of services to residents in this District. As described below,
16 ASRock has committed acts of patent infringement giving rise to this action within
17 this District.
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21 **Venue**

22 6. Venue is proper in this District under 28 U.S.C. § 1400(b) because
23 ASRock has committed acts of patent infringement in this District, and ASRock is
24 incorporated in the state of California. In addition, BE Labs has suffered harm in
25 this District.
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Patents-in-Suit

1 7. BE Labs is the assignee of all right, title and interest in United States
2 Patent Nos. 7,827,581 (the “’581 Patent”) and 9,344,183 (the “’183 Patent”),
3 collectively the “Patents-in-Suit,” including all rights to enforce and prosecute
4 actions for infringement and to collect damages for all relevant times against
5 infringers of the Patents-in-Suit. Accordingly, BE Labs possesses the exclusive
6 right and standing to prosecute the present action for infringement of the Patents-in-
7 Suit by ASRock.

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10 **The ’581 Patent**

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12 8. On November 2, 2010, the United States Patent and Trademark Office
13 issued the ’581 Patent. The ’581 Patent is titled “Wireless Multimedia System.” The
14 application leading to the ’581 Patent was filed on February 28, 2001 and claims
15 priority to a provisional application filed in 2000. A true and correct copy of the
16 ’581 Patent is attached hereto as Exhibit A.
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19 9. The ’581 Patent is valid and enforceable.

20 10. The invention claimed in the ’581 Patent relates to a wireless
21 distribution system for home or business use that receives signals that are then re-
22 broadcast throughout the site by low energy transmissions to end units. Ex. A at
23 1:24-29. A wireless media center receives signals from one or more sources, and the
24 signals are broadcasted to video end units for televisions and radios, and
25 communications end units for telephones and data. *Id.* at 1:54-56. Data channels tell
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1 the wireless distribution system which program and data signals should be sent. *Id.*
2 at 1:57-58.

3 **The '183 Patent**

4 11. On May 17, 2016, the United States Patent and Trademark Office
5 issued the '183 Patent. The '183 Patent is titled "Wireless Multimedia System." The
6 application leading to the '183 Patent was filed on October 1, 2010 and is a
7 continuation of the application that issued as the '581 Patent. A true and correct
8 copy of the '183 Patent is attached hereto as Exhibit B.
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10 12. The '183 Patent is valid and enforceable.
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12 13. The '183 Patent is related to the '581 Patent and, therefore, the
13 invention in the '183 Patent also relates to a wireless distribution system for home or
14 business use that receives signals that are then re-broadcast throughout the site by
15 low energy transmissions to end units. Ex. B at 1:29-45.
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17 **COUNT I: INFRINGEMENT OF THE '581 PATENT**

18 14. BE Labs incorporates the above paragraphs herein by reference.
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20 15. **Direct Infringement.** ASRock has been and continues to directly
21 infringe one or more claims of the '581 Patent in at least this District by making,
22 using, offering to sell, selling and/or importing, without limitation, at least the AC5
23 ("Exemplary ASRock Products") that infringe at least exemplary claims 1, 6, and 28
24 of the '581 Patent (the "Exemplary '581 Patent Claims") literally or by the doctrine
25 of equivalence. On information and belief, numerous other devices that infringe the
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1 claims of the Patents-in-Suit have been made, used, sold, imported, and offered for
2 sale by ASRock and/or its customers.

3 16. **Induced Infringement.** ASRock actively, knowingly, and intentionally
4 has been and continues to induce infringement of the '581 Patent, literally or by the
5 doctrine of equivalence, by selling Exemplary ASRock Products to their customers
6 for use in end-user products in a manner that infringes one or more claims of the
7 '581 Patent.
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10 17. **Contributory Infringement.** ASRock actively, knowingly, and
11 intentionally has been and continues to materially contribute to their own customers'
12 infringement of the '581 Patent, literally or by the doctrine of equivalence, by
13 selling Exemplary ASRock Products to their customers for use in end-user products
14 in a manner that infringes one or more claims of the '581 Patent.
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17 18. The filing of this Complaint constitutes notice in accordance with 35
18 U.S.C. § 287.

19 19. Despite such notice, ASRock continues to make, use, test, sell, offer for
20 sale, market, and/or import into the United States, products that infringe the '581
21 Patent. On information and belief, ASRock has also continued to sell the Exemplary
22 ASRock Products and distribute product literature and website materials inducing
23 end users and others to use its products in the customary and intended manner that
24 infringes the '581 Patent. Thus, on information and belief, ASRock is contributing
25 to and/or inducing the infringement of the '581 Patent.
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1 20. Exhibit C includes charts comparing the Exemplary '581 Patent Claims
2 to the AC5. As set forth in these charts, this Exemplary ASRock Product practices
3 the technology claimed by the '581 Patent. Accordingly, the Exemplary ASRock
4 Products incorporated in these charts satisfy all elements of the Exemplary '581
5 Patent Claims.
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7 21. BE Labs therefore incorporates by reference in its allegations herein the
8 claim charts of Exhibit C.
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10 22. BE Labs is entitled to recover damages adequate to compensate for
11 ASRock's infringement.
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13 **COUNT II: INFRINGEMENT OF THE '183 PATENT**

14 23. BE Labs incorporates the above paragraphs herein by reference.

15 24. **Direct Infringement.** ASRock has been and continues to directly
16 infringe one or more claims of the '183 Patent in at least this District by making,
17 using, offering to sell, selling and/or importing, without limitation, at least the AC5
18 ("Exemplary ASRock Products") that infringe at least exemplary claim 1 of the '183
19 Patent (the "Exemplary '183 Patent Claim") literally or by the doctrine of
20 equivalence. On information and belief, numerous other devices that infringe the
21 claims of the Patents-in-Suit have been made, used, sold, imported, and offered for
22 sale by ASRock and/or its customers.
23

24 25. **Induced Infringement.** ASRock actively, knowingly, and intentionally
25 has been and continues to induce infringement of the '183 Patent, literally or by the
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1 doctrine of equivalence, by selling Exemplary ASRock Products to their customers
2 for use in end-user products in a manner that infringes one or more claims of the
3 '183 Patent.

4
5 26. **Contributory Infringement.** ASRock actively, knowingly, and
6 intentionally has been and continues materially contribute to their own customers'
7 infringement of the '183 Patent, literally or by the doctrine of equivalence, by
8 selling Exemplary ASRock Products to their customers for use in end-user products
9 in a manner that infringes one or more claims of the '183 Patent.

10
11 27. The filing of this Complaint constitutes notice in accordance with 35
12 U.S.C. § 287.

13
14 28. Despite such notice, ASRock continues to make, use, test, sell, offer for
15 sale, market, and/or import into the United States, products that infringe the '183
16 Patent. On information and belief, ASRock has also continued to sell the Exemplary
17 ASRock Products and distribute product literature and website materials inducing
18 end users and others to use its products in the customary and intended manner that
19 infringes the '183 Patent. Thus, on information and belief, ASRock is contributing
20 to and/or inducing the infringement of the '183 Patent.

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23 29. Exhibit D includes charts comparing the Exemplary '183 Patent Claim
24 to the AC5. As set forth in these charts, this Exemplary ASRock Product practices
25 the technology claimed by the '183 Patent. Accordingly, the Exemplary ASRock
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1 Products incorporated in these charts satisfy all elements of the Exemplary '183
2 Patent Claim.

3 30. BE Labs therefore incorporates by reference in its allegations herein the
4 claim charts of Exhibit D.
5

6 31. BE Labs is entitled to recover damages adequate to compensate for
7 ASRock's infringement.
8

9 **Jury Demand**

10 Under Rule 38(b) of the Federal Rules of Civil Procedure, BE Labs
11 respectfully requests a trial by jury on all issues so triable.
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13 **Prayer for Relief**

14 WHEREFORE, BE Labs respectfully requests the following relief:

- 15 A. A judgment that the '581 Patent and the '183 Patent are valid and
16 enforceable.
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- 18 B. A judgment that ASRock has infringed, contributorily infringed, and/or
19 induced infringement of one or more claims of the '581 Patent;
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- 21 C. A judgment that ASRock has infringed, contributorily infringed, and/or
22 induced infringement of one or more claims of the '183 Patent;
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- 24 D. An accounting of all damages not presented at trial;
- 25 E. A judgment that awards BE Labs all appropriate damages under 35
26 U.S.C. § 284 for ASRock's past infringement, and any continuing or
27 future infringement of the Patents-in-Suit, up until the date such
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1 judgment is entered, including pre- or post-judgment interest, costs, and
2 disbursements as justified under 35 U.S.C. § 284 and, if necessary, to
3 adequately compensate BE Labs for ASRock's infringement, an
4 accounting:
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- 6 i. that this case be declared exceptional within the meaning of 35
7 U.S.C. § 285 and that BE Labs be awarded its reasonable attorneys'
8 fees against ASRock that it incurs in prosecuting this action;
9
10 ii. that BE Labs be awarded costs, and expenses that it incurs in
11 prosecuting this action; and
12
13 iii. that BE Labs be awarded such further relief at law or in equity as the
14 Court deems just and proper.

15 Dated: April 6, 2019

Respectfully submitted,

16 /s/ *Peter Corcoran*
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