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*Attorneys for Plaintiff
BE Labs, Inc.*

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

BE Labs, Inc.,

Plaintiff,

v.

Edimax Computer Company,

Defendant.

Case No. 2:19-cv-2638

**COMPLAINT – JURY TRIAL
DEMANDED**

Plaintiff, **BE Labs, Inc.** (“BE Labs”), through its attorney, Peter Corocoran, complains of **Edimax Computer Company** (“Edimax”) 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 Edimax Computer Company is a corporation organized and
3 existing under the laws of California that maintains its principal place of business at
4 3444 De La Cruz Blvd., Santa Clara, CA 95054.
5

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.
9

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 Edimax because it has
13 engaged in systematic and continuous business activities in the Central District of
14 California. Specifically, Edimax is incorporated in the state of California and
15 provides its full range of services to residents in this District. As described below,
16 Edimax 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 Edimax has committed acts of patent infringement in this District, and Edimax 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 Edimax.

The ’581 Patent

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

18 9. The ’581 Patent is valid and enforceable.

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

1 at 1:57-58.

2 **The '183 Patent**

3 11. On May 17, 2016, the United States Patent and Trademark Office
4 issued the '183 Patent. The '183 Patent is titled "Wireless Multimedia System." The
5 application leading to the '183 Patent was filed on October 1, 2010 and is a
6 continuation of the application that issued as the '581 Patent. A true and correct
7 copy of the '183 Patent is attached hereto as Exhibit B.
8

9 12. The '183 Patent is valid and enforceable.

10 13. The '183 Patent is related to the '581 Patent and, therefore, the
11 invention in the '183 Patent also relates to a wireless distribution system for home or
12 business use that receives signals that are then re-broadcast throughout the site by
13 low energy transmissions to end units. Ex. B at 1:29-45.
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15

16 **COUNT I: INFRINGEMENT OF THE '581 PATENT**

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

18 15. **Direct Infringement.** Edimax has been and continues to directly
19 infringe one or more claims of the '581 Patent in at least this District by making,
20 using, offering to sell, selling and/or importing, without limitation, at least the
21 AC2600/RG21S ("Exemplary Edimax Products") that infringe at least exemplary
22 claims 1, 6, and 28 of the '581 Patent (the "Exemplary '581 Patent Claims") literally
23 or by the doctrine of equivalence. On information and belief, numerous other
24 devices that infringe the claims of the Patents-in-Suit have been made, used, sold,
25 imported, and offered for sale by Edimax and/or its customers.
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1 16. **Induced Infringement.** Edimax actively, knowingly, and intentionally
2 has been and continues to induce infringement of the '581 Patent, literally or by the
3 doctrine of equivalence, by selling Exemplary Edimax Products to their customers
4 for use in end-user products in a manner that infringes one or more claims of the
5 '581 Patent.
6

7 17. **Contributory Infringement.** Edimax actively, knowingly, and
8 intentionally has been and continues materially contribute to their own customers'
9 infringement of the '581 Patent, literally or by the doctrine of equivalence, by
10 selling Exemplary Edimax Products to their customers for use in end-user products
11 in a manner that infringes one or more claims of the '581 Patent.
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14 18. The filing of this Complaint constitutes notice in accordance with 35
15 U.S.C. § 287.
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17 19. Despite such notice, Edimax continues to make, use, test, sell, offer for
18 sale, market, and/or import into the United States, products that infringe the '581
19 Patent. On information and belief, Edimax has also continued to sell the Exemplary
20 Edimax Products and distribute product literature and website materials inducing
21 end users and others to use its products in the customary and intended manner that
22 infringes the '581 Patent. Thus, on information and belief, Edimax is contributing to
23 and/or inducing the infringement of the '581 Patent.
24
25

26 20. Exhibit C includes charts comparing the Exemplary '581 Patent Claims
27 to the AC5. As set forth in these charts, this Exemplary Edimax Product practices
28

1 the technology claimed by the '581 Patent. Accordingly, the Exemplary Edimax
2 Products incorporated in these charts satisfy all elements of the Exemplary '581
3 Patent Claims.

4
5 21. BE Labs therefore incorporates by reference in its allegations herein the
6 claim charts of Exhibit C.

7
8 22. BE Labs is entitled to recover damages adequate to compensate for
9 Edimax's infringement.

10 **COUNT II: INFRINGEMENT OF THE '183 PATENT**

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

12
13 24. **Direct Infringement.** Edimax has been and continues to directly
14 infringe one or more claims of the '183 Patent in at least this District by making,
15 using, offering to sell, selling and/or importing, without limitation, at least the
16 AC2600/RG21S ("Exemplary Edimax Products") that infringe at least exemplary
17 claim 1 of the '183 Patent (the "Exemplary '183 Patent Claim") literally or by the
18 doctrine of equivalence. On information and belief, numerous other devices that
19 infringe the claims of the Patents-in-Suit have been made, used, sold, imported, and
20 offered for sale by Edimax and/or its customers.
21
22

23 25. **Induced Infringement.** Edimax actively, knowingly, and intentionally
24 has been and continues to induce infringement of the '183 Patent, literally or by the
25 doctrine of equivalence, by selling Exemplary Edimax Products to their customers
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27
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1 for use in end-user products in a manner that infringes one or more claims of the
2 '183 Patent.

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

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

13 28. Despite such notice, Edimax continues to make, use, test, sell, offer for
14 sale, market, and/or import into the United States, products that infringe the '183
15 Patent. On information and belief, Edimax has also continued to sell the Exemplary
16 Edimax Products and distribute product literature and website materials inducing
17 end users and others to use its products in the customary and intended manner that
18 infringes the '183 Patent. Thus, on information and belief, Edimax is contributing to
19 and/or inducing the infringement of the '183 Patent.
20
21

22 29. Exhibit D includes charts comparing the Exemplary '183 Patent Claim
23 to the AC5. As set forth in these charts, this Exemplary Edimax Product practices
24 the technology claimed by the '183 Patent. Accordingly, the Exemplary Edimax
25 Products incorporated in these charts satisfy all elements of the Exemplary '183
26 Patent Claim.
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28

1 adequately compensate BE Labs for Edimax's infringement, an
2 accounting:

- 3 i. that this case be declared exceptional within the meaning of 35
4 U.S.C. § 285 and that BE Labs be awarded its reasonable attorneys'
5 fees against Edimax that it incurs in prosecuting this action;
6
7 ii. that BE Labs be awarded costs, and expenses that it incurs in
8 prosecuting this action; and
9
10 iii. that BE Labs be awarded such further relief at law or in equity as the
11 Court deems just and proper.

12 Dated: April 6, 2019

Respectfully submitted,

13 /s/ Peter Corcoran

14 Peter J. Corcoran, III (SBN 224181)

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