

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
DENVER DIVISION**

BE Labs, Inc.,

Plaintiff,

v.

Hitron Technologies Americas Inc.,

Defendant.

Case No. _____

Patent Case

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, BE Labs, Inc. (“BE Labs”), through its attorney, Isaac Rabicoff, complains of Hitron Technologies Americas Inc. (“Hitron”) 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 Lane, North Belmore, NY 11710.

2. Defendant Hitron Technologies Americas Inc. is a corporation organized and existing under the laws of Colorado that maintains its principal place of business at 9000 E Nichols Ave, Suite 103, Centennial, CO 80112.

JURISDICTION

3. This is an action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Hitron because it has engaged in systematic and continuous business activities in the District of Colorado. Specifically, Hitron is incorporated in the state of Colorado and provides its full range of services to residents in this District. Additionally, Hitron maintains its principal place of business within this District. Further, as described below, Hitron has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Hitron has committed acts of patent infringement in this District and is headquartered in this District. Also, Hitron is incorporated in the state of Colorado. In addition, BE Labs has suffered harm in this District.

PATENTS-IN-SUIT

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

The ’581 Patent

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

9. The '581 Patent is valid and enforceable.

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

The '183 Patent

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

12. The '183 Patent is valid and enforceable.

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

COUNT I: INFRINGEMENT OF THE '581 PATENT

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

15. **Direct Infringement.** Hitron has been and continues to directly infringe one or more claims of the '581 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the CODA-4780 ("Alleged Instrumentality") that infringe at least Claims 1, 6, and 28 of the '581 Patent (the "'581 Patent Claims") literally or by

the doctrine of equivalence. On information and belief, numerous other devices that infringe the claims of the '581 Patent have been made, used, sold, imported, and offered for sale by Hitron and/or its customers.

16. **Induced Infringement.** Hitron actively, knowingly, and intentionally has been and continues to induce infringement of the '581 Patent, literally or by the doctrine of equivalence, by selling the Alleged Instrumentality to their customers for use in end-user products in a manner that infringes one or more claims of the '581 Patent.

17. **Contributory Infringement.** Hitron actively, knowingly, and intentionally has been and continues materially contribute to their own customers' infringement of the '581 Patent, literally or by the doctrine of equivalence, by selling the Alleged Instrumentality to their customers for use in end-user products in a manner that infringes one or more claims of the '581 Patent.

18. The filing of this Complaint constitutes notice in accordance with 35 U.S.C. § 287.

19. Despite such notice, Hitron continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '581 Patent. On information and belief, Hitron has also continued to sell the Alleged Instrumentality and distribute product literature and website materials inducing end users and others to use its products in the customary and intended manner that infringes the '581 Patent. Thus, on information and belief, Hitron is contributing to and/or inducing the infringement of the '581 Patent.

20. Exhibit C includes charts comparing the '581 Patent Claims to the CODA-4780. As set forth in these charts, this Alleged Instrumentality practices the technology claimed by the '581 Patent. Accordingly, the Alleged Instrumentality incorporated in these charts satisfy all elements of the '581 Patent Claims.

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

22. BE Labs is entitled to recover damages adequate to compensate for Hitron's infringement.

COUNT II: INFRINGEMENT OF THE '183 PATENT

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

24. **Direct Infringement.** Hitron has been and continues to directly infringe one or more claims of the '183 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the CODA-4780 that infringe at least Claim 1 of the '183 Patent (the "'183 Patent Claims") literally or by the doctrine of equivalence. On information and belief, numerous other devices that infringe the claims of the '183 Patent have been made, used, sold, imported, and offered for sale by Hitron and/or its customers.

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

26. **Contributory Infringement.** Hitron actively, knowingly, and intentionally has been and continues materially contribute to their own customers' infringement of the '183 Patent, literally or by the doctrine of equivalence, by selling the Alleged Instrumentality to their customers for use in end-user products in a manner that infringes one or more claims of the '183 Patent.

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

28. Despite such notice, Hitron continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '183 Patent. On information and

belief, Hitron has also continued to sell the Alleged Instrumentality and distribute product literature and website materials inducing end users and others to use its products in the customary and intended manner that infringes the '183 Patent. Thus, on information and belief, Hitron is contributing to and/or inducing the infringement of the '183 Patent.

29. Exhibit D includes charts comparing the '183 Patent Claims to the CODA-4780. As set forth in these charts, this Alleged Instrumentality practices the technology claimed by the '183 Patent. Accordingly, the Alleged Instrumentality incorporated in these charts satisfy all elements of the '183 Patent Claims.

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

31. BE Labs is entitled to recover damages adequate to compensate for Hitron's infringement.

JURY DEMAND

Under Rule 38(b) of the Federal Rules of Civil Procedure, BE Labs respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, BE Labs respectfully requests the following relief:

- A. A judgment that the '581 Patent and the '183 Patent are valid and enforceable.
- B. A judgment that Hitron has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '581 Patent;
- C. A judgment that Hitron has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '183 Patent;
- D. An accounting of all damages not presented at trial;

- E. A judgment that awards BE Labs all appropriate damages under 35 U.S.C. § 284 for Hitron’s past infringement, and any continuing or future infringement of the Patents-in-Suit, up until the date such judgment is entered, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate BE Labs for Hitron’s infringement, an accounting:
- i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that BE Labs be awarded its reasonable attorneys’ fees against Hitron that it incurs in prosecuting this action;
 - ii. that BE Labs be awarded costs, and expenses that it incurs in prosecuting this action; and
 - iii. that BE Labs be awarded such further relief at law or in equity as the Court deems just and proper.

Respectfully submitted,

/s/ Isaac Rabicoff
Isaac Rabicoff
isaac@rabilaw.com
Rabicoff Law LLC
73 W. Monroe
Chicago, IL 60603
(773) 669-4590

Counsel for Plaintiff