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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 **Bexley Solutions LLC,**
16 **Plaintiff,**
17 **v.**
18 **SMC Networks, Inc.,**
19 **Defendant,**

Civil Action No. 8:19-cv-1027
COMPLAINT FOR PATENT
INFRINGEMENT
JURY TRIAL DEMANDED

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Bexley Solutions LLC (“Bexley”), through its attorneys, complains of
3 SMC Networks, Inc. (“SMC”), and alleges the following:

4 **PARTIES**

5 1. Plaintiff Bexley Solutions LLC is a corporation organized and existing
6 under the laws of Texas and maintains its principal place of business at 3509 E Park
7 Blvd Ste 220–2004, Plano, TX 75074-1502.

8 2. Defendant SMC Networks, Inc. is a corporation organized and existing
9 under the laws of Delaware that maintains its principal place of business at 20 Mason,
10 Irvine, CA 92618.

11 **JURISDICTION**

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

14 4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§
15 1331 and 1338(a).

16 5. This Court has personal jurisdiction over SMC because it has engaged in
17 systematic and continuous business activities in this District. As described below,
18 SMC has committed acts of patent infringement giving rise to this action within this
19 District.

20 **VENUE**

21 6. Venue is proper in this District under 28 U.S.C. § 1400(b) because SMC
22 has committed acts of patent infringement in this District, and has an established place
23 of business in this District’s state. In addition, Bexley has suffered harm in this district.

24 **PATENT-IN-SUIT**

25 7. Bexley is the assignee of all right, title and interest in United States Patent
26 Nos. 6,359,879 (the “’879 Patent” or “Patent-in-Suit”), including all rights to enforce
27 and prosecute actions for infringement and to collect damages for all relevant times
28 against infringers of the Patent-in-Suit. Accordingly, Bexley possesses the exclusive

1 right and standing to prosecute the present action for infringement of the Patent-in-Suit
2 by SMC.

3 **The '879 Patent**

4 8. The '879 Patent is entitled "Composite trunking," and issued March 19,
5 2002. The application leading to the '879 Patent was filed on May 6, 1998, ultimately
6 which claims priority from provisional application number 60/082,923, filed on April
7 24, 1998. A true and correct copy of the '879 Patent is attached hereto as Exhibit A
8 and incorporated herein by reference.

9 9. The '879 Patent is valid and enforceable.

10 **COUNT I: INFRINGEMENT OF THE '879 PATENT**

11 10. Bexley incorporates the above paragraphs herein by reference.

12 11. **Direct Infringement.** SMC has been and continues to directly infringe
13 one or more claims of the '879 Patent in at least this District by making, using,
14 offering to sell, selling and/or importing, without limitation, at least SMC's ECS4210-
15 12P ("Exemplary SMC Products") that infringe at least exemplary claim 4 of the '879
16 Patent (the "Exemplary '879 Patent Claims") literally or by the doctrine of
17 equivalence. On information and belief, numerous other devices that infringe the
18 claims of the Patent-in-Suit have been made, used, sold, imported, and offered for sale
19 by SMC and/or its customers.

20 12. Exhibit B includes charts comparing the Exemplary '879 Patent Claims to
21 the Exemplary SMC Products. As set forth in these charts, the Exemplary SMC
22 Products practice the technology claimed by the '879 Patent. Accordingly, the
23 Exemplary SMC Products incorporated in these charts satisfy all elements of the
24 Exemplary '879 Patent Claims.

25 13. Bexley therefore incorporates by reference in its allegations herein the
26 claim charts of Exhibit B.

27 14. Bexley is entitled to recover damages adequate to compensate for SMC's
28 infringement.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Bexley respectfully requests the following relief:

- A. A judgment that the '879 Patent is valid and enforceable.
- B. A judgment that SMC has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '879 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards Bexley all appropriate damages under 35 U.S.C. § 284 for SMC's past infringement of the Patent-in-Suit, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate Bexley for SMC's infringement, an accounting:
 - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Bexley be awarded its reasonable attorneys' fees against SMC that it incurs in prosecuting this action;
 - ii. that Bexley be awarded costs, and expenses that it incurs in prosecuting this action; and
 - iii. that Bexley be awarded such further relief at law or in equity as the Court deems just and proper.

1 Dated: May 29, 2019

2 Respectfully submitted,

3 /s/ Ryan E. Hatch

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