

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CHALUMEAU POWER SYSTEMS LLC,	§	
	§	
<b>Plaintiff,</b>	§	<b>Case No.</b>
	§	
v.	§	
	§	
D-LINK SYSTEMS, INC; D-LINK	§	<b>JURY TRIAL DEMANDED</b>
CORPORATION,	§	
	§	
<b>Defendants.</b>	§	
	§	

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Plaintiff Chalumeau Power Systems LLC (“Chalumeau”) complains against Defendants D-Link Systems, Inc., D-Link Corporation (collectively “D-Link”) as follows:

**PARTIES**

1. Plaintiff Chalumeau is a Delaware limited liability company having a place of business in Newport Beach, California.
2. On information and belief, Defendant D-Link Systems, Inc. is a California corporation with its principal place of business in Fountain Valley, California.
3. On information and belief, Defendant D-Link Corporation is a Taiwanese corporation with its principal place of business in Taipei City, Taiwan.

**JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each Defendant has transacted business in this district and has committed and/or induced and/or contributed to acts of patent infringement in this district.

6. On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long Arm Statute, due at least to their substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; (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 this judicial district; and (iii) purposefully and voluntarily placing one or more infringing products into the stream of commerce with the expectation that they will be purchased by consumers in this forum.

**COUNT I**  
**INFRINGEMENT OF U.S. PATENT NO. 5,991,885**

7. Plaintiff Chalumeau is the owner by assignment of United States Patent No. 5,991,885 ("the '885 patent") entitled "Method and Apparatus For Detecting The Presence of a Remote Device and Providing Power Thereto" – including all rights to recover for past and future acts of infringement. The '885 patent was duly and legally issued on November 23, 1999. A true and correct copy of the '885 patent is attached as Exhibit A.

8. On information and belief, Defendant D-Link has been and is directly infringing the '885 patent in this judicial district, and elsewhere in the United States. D-Link's direct infringements include, without limitation, making, using, offering for sale,

and/or selling within the United States, and/or importing into the United States devices using Power over Ethernet technology, including at least the DES-3010 series of Power over Ethernet switches. D-Link is thus liable for infringement of the '885 patent pursuant to 35 U.S.C. § 271(a).

9. On information and belief, Defendant D-Link has been and is, in this judicial district, and elsewhere in the United States, actively inducing infringement of the '885 patent. D-Link's inducements include, without limitation and with specific intent to encourage the infringement, knowingly inducing others, including its customers, to use, offer for sale, and/or sell within the United States, and/or import into the United States, devices using Power over Ethernet technology, including at least the DES-3010 series of Power over Ethernet switches, which switches D-Link knows infringe one or more claims of the '885 patent. D-Link is thus liable for infringement of the '885 patent pursuant to 35 U.S.C. § 271(b).

10. On information and belief, in this judicial district, and elsewhere in the United States, actively contributing to the infringement of the '885 patent. D-Link's contributions include, without limitation, making, using, offering to sell and/or selling within the United States, and/or importing into the United States, one or more components including at least the DES-3010 series of Power over Ethernet switches, which constitute a material part of the invention recited in one or more claims of the '885 Patent, knowing the DES-3010 series of Power over Ethernet devices to be especially made or especially adapted for use in an infringement of the '885 Patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use. D-Link is thus liable for infringement of the '885 Patent pursuant to 35 U.S.C. § 271(c).

11. On information and belief, Defendant D-Link has had knowledge of the '885 patent.

12. On information and belief, D-Link's infringement of one or more claims of the '885 patent is and has been willful and deliberate, making this an exceptional case and entitling Plaintiff to enhanced damages, reasonable attorney fees and costs.

13. Defendants have profited through the infringement of the '885 patent. As a result of Defendants' unlawful infringement of the '885 patent, Plaintiff has suffered and will continue to suffer damage. Plaintiff is entitled to recover from Defendants damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests that this Court enter:

A. A judgment in favor of Plaintiff that Defendants have directly infringed, induced others to infringe, and/or contributed to others' infringement of the '885 patent;

B. A judgment and order requiring Defendants to pay Plaintiff their damages, costs, expenses, prejudgment and post-judgment interest, and post-judgment royalties for Defendants' infringement of the '885 patent as provided under 35 U.S.C. § 284;

C. A judgment that Defendants have willfully infringed the '885 patent and enhancement of Plaintiff's damages by reason of the nature of Defendants' infringement pursuant to 35 U.S.C. § 284;

D. A judgment and order that this case is exceptional under 35 U.S.C. § 285 and requiring Defendants to pay Plaintiff's reasonable attorney fees; and

E. Any and all other relief to which the Court may deem Plaintiff is entitled.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, request a trial by jury of any issues so triable by right.

Respectfully submitted,

FARNAN LLP

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