1 2 3 4 5 6 7 8 9	Steven W. Ritcheson (SBN 174062) INSIGHT, PLC 578 Washington Blvd. #503 Marina del Rey, CA 90292 (T) 818-744-8714 (F): 818-337-0383 swritcheson@insightplc.com Isaac Rabicoff (Pro Hac Vice admission to be filed) RABICOFF LAW LLC 73 W Monroe St Chicago, IL 60603 773-669-4590 isaac@rabilaw.com Attorneys for Plaintiff		
10	Attorneys for Plaintiff Zavala Licensing LLC		
11	IN THE UNITED STATES DISTRICT COURT		
12	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
13			
14	Zavala Licensing LLC,	Case No.	
15	Plaintiff,		
16	v.	Patent Case	
17	Calnex Americas Corporation,	Jury Trial Demanded	
18	•		
19	Defendant.		
20			
21	COMPLAINT FOR PATENT INFRINGEMENT		
22	Plaintiff Zavala Licensing LLC ("Plaintiff"), through its attorneys, complains of Calnex		
23	Americas Corporation ("Defendant"), and alleges the following:		
24	Americas Corporation (Defendant), and anleges the following:		
25	PARTIES		
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	1		
	Complaint with Jury Demand		

- Plaintiff Zavala Licensing LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 15922 Eldorado Pkwy, Ste 500, Frisco, TX 75035.
- Defendant Calnex Americas Corporation is a corporation organized and existing under the laws of Pennsylvania with a principal place of business at 7736 Main Street, Fogelsville, PA 18051.

ARTICLE I. JURISDICTION

- 3. This is an action for patent infringement arising 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 Defendant because it has engaged in systematic and continuous business activities in this District. As described below, Defendant 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 Defendant has committed acts of patent infringement in this District, and has an established place of business in this District at 810 Fifth Ave., Suite 200, San Rafael, CA 94901. In addition, Plaintiff has suffered harm in this district.

PATENT-IN-SUIT

7. Plaintiff is the assignee of all right, title and interest in United States Patent No. 6,684,086 (the "'086 Patent"); (the "Patent-in-Suit"); including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the

Patent-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendant.

The '086 Patent

- 8. The '086 Patent is entitled "Radio base station device and radio communication method," and issued 1/27/2004. The application leading to the '086 Patent was filed on 8/7/2001. A true and correct copy of the '086 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.
 - 9. The '086 Patent is valid and enforceable.

COUNT 1: INFRINGEMENT OF THE '086 PATENT

- 10. Plaintiff incorporates the above paragraphs herein by reference.
- 11. **Direct Infringement.** Defendant has been and continues to directly infringe one or more claims of the '086 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Defendant products identified in the charts incorporated into this Count below (among the "Exemplary Defendant Products") that infringe at least the exemplary claims of the '086 Patent also identified in the charts incorporated into this Count below (the "Exemplary '086 Patent Claims") literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the '086 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.
- 12. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '086 Patent Claims, by having its employees internally test and use these Exemplary Products.
- 13. The service of this Complaint upon Defendant constitutes actual knowledge of infringement as alleged here.
- 14. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer for sale, market, and/or import into the United States, products that infringe the '086 Patent. On

information and belief, Defendant has also continued to sell the Exemplary Defendant Products 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 '086 Patent. Thus, on information and belief, Defendant is contributing to and/or inducing the infringement of the '086 Patent.

- 15. **Induced Infringement.** Defendant actively, knowingly, and intentionally has been and continues to induce infringement of the '086 Patent, literally or by the doctrine of equivalents, by selling Exemplary Defendant Products to their customers for use in end-user products in a manner that infringes one or more claims of the '086 Patent.
- 16. Contributory Infringement. Defendant actively, knowingly, and intentionally has been and continues materially contribute to their own customers' infringement of the '086 Patent, literally or by the doctrine of equivalents, by selling Exemplary Defendant Products to their customers for use in end-user products in a manner that infringes one or more claims of the '086 Patent. Moreover, the Exemplary Defendant Products are not a staple article of commerce suitable for substantial noninfringing use.
- 17. Exhibit 2 includes charts comparing the Exemplary '086 Patent Claims to the Exemplary Defendant Products. As set forth in these charts, the Exemplary Defendant Products practice the technology claimed by the '086 Patent. Accordingly, the Exemplary Defendant Products incorporated in these charts satisfy all elements of the Exemplary '086 Patent Claims.
- 18. Plaintiff therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.
- 19. Plaintiff is entitled to recover damages adequate to compensate for Defendant's infringement.

JURY DEMAND

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