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10 **Attorneys for Plaintiff**
Zavala Licensing LLC

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

<p>14 Zavala Licensing LLC,</p> <p>15 Plaintiff,</p> <p>16 v.</p> <p>17 Calnex Americas Corporation,</p> <p>18 Defendant.</p>	<p>Case No.</p> <p>Patent Case</p> <p>Jury Trial Demanded</p>
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20 **COMPLAINT FOR PATENT INFRINGEMENT**

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22 Plaintiff Zavala Licensing LLC (“Plaintiff”), through its attorneys, complains of Calnex
23 Americas Corporation (“Defendant”), and alleges the following:

24 **PARTIES**

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

3 **The '086 Patent**

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

8 9. The '086 Patent is valid and enforceable.

9 **COUNT 1: INFRINGEMENT OF THE '086 PATENT**

10 10. Plaintiff incorporates the above paragraphs herein by reference.

11 11. **Direct Infringement.** Defendant has been and continues to directly infringe one or
12 more claims of the '086 Patent in at least this District by making, using, offering to sell, selling
13 and/or importing, without limitation, at least the Defendant products identified in the charts
14 incorporated into this Count below (among the "Exemplary Defendant Products") that infringe at
15 least the exemplary claims of the '086 Patent also identified in the charts incorporated into this
16 Count below (the "Exemplary '086 Patent Claims") literally or by the doctrine of equivalents. On
17 information and belief, numerous other devices that infringe the claims of the '086 Patent have
18 been made, used, sold, imported, and offered for sale by Defendant and/or its customers.
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20 12. Defendant also has and continues to directly infringe, literally or under the doctrine
21 of equivalents, the Exemplary '086 Patent Claims, by having its employees internally test and use
22 these Exemplary Products.
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24 13. The service of this Complaint upon Defendant constitutes actual knowledge of
25 infringement as alleged here.

26 14. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer
27 for sale, market, and/or import into the United States, products that infringe the '086 Patent. On
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