

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CDN INNOVATIONS, LLC,
Plaintiff,

v.

LINKSYS USA, INC.,
Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff CDN Innovations, LLC (“CDN” or “Plaintiff”), for its Complaint against Defendant Linksys USA Inc. (“Linksys” or “Defendant”), hereby alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff CDN is a limited liability company organized under the laws of the State Georgia with a place of business at 44 Milton Avenue, Suite 254, Alpharetta, GA 30009.

3. Upon information and belief, Defendant is a Delaware corporation with an established place of business at 121 Theory Drive, Irvine, CA 92617.

4. Upon information and belief, Defendant sells, offers to sell, and/or uses products and services throughout Delaware, including in this judicial district, and introduces infringing products and services into the stream of commerce knowing that they would be sold and/or used in this judicial district.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.
6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
7. Venue is proper in this judicial district under 28 U.S.C. § 1400(b).
8. This Court has personal jurisdiction over the Defendant under the laws of the State of Delaware, due at least to its substantial business in Delaware and in this judicial district, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (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 the State of Delaware. Further, this Court has personal jurisdiction and proper authority to exercise venue over Linksys because it is incorporated in Delaware and by doing so has purposely availed itself of the privileges and benefits of the laws of the State of Delaware.

BACKGROUND

Detecting Port Inactivity

9. Brian Gonsalves and Kenneth Roger Jones (hereinafter “the Inventors”) are the inventors of U.S. Patent Nos. 7,293,291 (“the ’291 patent”) and 7,565,699 (“the ’699 patent”). A true and correct copy of the ’291 patent is attached as Exhibit A1. A true and correct copy of the ’699 patent is attached as Exhibit B1.

10. The ’291 and ’699 patents resulted from the pioneering efforts of the Inventors in the area of computer network connections, particularly in the area of detecting computer port inactivity. These efforts resulted in the development of a method and system for detecting an idle or inactive data port connection on a personal computer in 2003.

NOTICE

11. On information and belief, Defendant has been on notice of the patents-in-suit, and of Defendant's infringement thereof, since at least 2020.

12. For example, on August 31, 2020, CDN asserted the patents-in-suit against Grande Communications Network ("Grande"). CDN's complaint in the Grande action identified routers sold by Grande as being included in the Accused Instrumentalities. On information and belief, at that time, Linksys routers were routers sold by Grande. CDN further served Supplemental Infringement Charts of Linksys routers including but not limited to Linksys E12001, Linksys BEFCMU4 Allin-One, Linksys EA2700, Linksys EA2750, Linksys EA6350, Linksys E900, Linksys E1500.

13. On information and belief, Linksys received, and reviewed, CDN's prior complaint, asserted patents, and infringement contentions setting forth infringement allegations against Linksys products in prior actions for the patents-in-suit.

COUNT 1 - INFRINGEMENT OF U.S. PATENT NO. 7,293,291

14. The allegations set forth in the foregoing paragraphs are incorporated into this Count.

15. On November 6, 2007, the '291 patent was duly and legally issued by the United States Patent and Trademark Office under the title "System and method for detecting computer port inactivity" CDN is the assignee and owner of the right, title and interest in and to the '291 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

16. Upon information and belief, Defendant directly infringed one or more claims of the '291 patent during the relevant damages period by making, using (e.g., developing, testing,

installing or otherwise using) offering to sell, selling, or importing into the United States products, specifically one or more of the products identified in Exhibit A2 hereto (the “*Accused Port Triggering Instrumentalities*”). For example, upon information and belief, Defendant at least uses, sells and offers to sell the *Accused Port Triggering Instrumentalities* in United States.

17. Exemplary infringement analysis showing infringement of at least claim 1 of the ’291 patent is set forth in Exhibit A2. This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Defendant with respect to the ’291 patent. CDN reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the ’291 patent.

18. Upon information and belief, users of devices containing *Accused Port Triggering Instrumentalities* directly infringed at least claim 9 of the ’291 patent during the relevant damages period.

19. Defendant’s encouragement of others to use the *Accused Port Triggering Instrumentalities*—knowing that such use, as alleged herein, infringes at least claim 9 of the ’291 patent—constitutes inducement of others under 35 U.S.C. § 271(b). Defendant’s encouragement of infringement includes actively advertising, promoting and distributing technical information through its website (and other sources) that the *Accused Port Triggering Instrumentalities* are not only configured to enable port triggering but specifically intended for use of router products designed to utilize port triggering functionality.

20. Upon information and belief, Defendant is also liable as a contributory infringer of the ’291 patent under 35 U.S.C. § 271(c). Defendant offers to sell, sells and/or imports into the United States the *Accused Port Triggering Instrumentalities*, which are especially configured to

enable router port forwarding/port triggering. Defendant such activities, as shown in Exhibit A2, constitute an infringement of the '291 patent. The Accused Port Triggering Instrumentalities are material components for use in practicing the '291 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

21. The *Accused Port Triggering Instrumentality* infringed at least claim 1 of the '291 patent during the pendency of the '291 patent.

22. Upon information and belief, Defendant has used the *Accused Port Triggering Instrumentalities* in an infringing manner since at least 2016.

23. CDN has been harmed by the Defendant's infringing activities.

COUNT 2 – INFRINGEMENT OF U.S. PATENT NO. 7,565,699

24. The allegations set forth in the foregoing paragraphs are incorporated into this Count.

25. On July 21, 2009, the '699 patent was duly and legally issued by the United States Patent and Trademark Office under the title "System and method for detecting computer port inactivity" CDN is the assignee and owner of the right, title and interest in and to the '699 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

26. Upon information and belief, Defendant has and continues to directly infringe one or more claims of the '699 patent by making, using (e.g., developing, testing, installing or otherwise using) offering to sell, selling, or importing into the United States products, specifically one or more of the products identified in Exhibit B2 hereto (the "Accused Port Triggering Instrumentalities"). For example, upon information and belief, Defendant at least uses, sells and offers to sell the Accused Port Triggering Instrumentalities in United States.

27. Exemplary infringement analysis showing infringement of at least claim 1 of the '699 patent is set forth in Exhibit B2. This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Defendant with respect to the '699 patent.

28. CDN reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '699 patent.

29. Upon information and belief, users of devices containing Accused Port Triggering Instrumentalities have and will continue to directly infringe at least claim 9 of the '699 patent.

30. Defendant's encouragement of others to use the Accused Port Triggering Instrumentalities—knowing that such use, as alleged herein, infringes at least claim 9 of the '699 patent—constitutes inducement of others under 35 U.S.C. § 271(b). Defendant's encouragement of infringement includes actively advertising, promoting and distributing technical information through its website (and other sources) that the Accused Port Triggering Instrumentalities are not only configured to enable port triggering but specifically intended for use of router products designed to utilize port triggering functionality.

31. Upon information and belief, Defendant is also liable as a contributory infringer of the '699 patent under 35 U.S.C. § 271(c). Defendant offers to sell, sells and/or imports into the United States the Accused Port Triggering Instrumentalities, which are especially configured to enable router port forwarding/port triggering. Defendant's such activities, as shown in Exhibit B2, constitute an infringement of the '699 patent. The *Accused Port Triggering Instrumentalities* are material components for use in practicing the '699 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

32. The Accused Port Triggering Instrumentality infringed and continues to infringe at least claim 1 of the '699 patent during the pendency of the '699 patent.

33. Upon information and belief, Defendant has used the *Accused Port Triggering Instrumentalities* in an infringing manner since at least 2016.

34. CDN has been harmed by the Linksys' infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, CDN demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff CDN demands judgment for itself and against Defendant as follows:

- A. An adjudication that the Defendant has infringed the patents asserted herein;
- B. An award of damages to be paid by Defendant adequate to compensate CDN for Defendant's past infringement of the patents asserted herein, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of CDN's reasonable attorneys' fees; and
- D. An award to CDN of such further relief at law or in equity as the Court deems just and proper.

Dated: November 22, 2023

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