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COLLABORATION PROPERTIES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COLLABORATION PROPERTIES, INC., a
Nevada corporation,

Plaintiff,

v.

TANDBERG ASA, and TANDBERG, INC., a
Delaware corporation,

Defendants.

C 05 01940

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff COLLABORATION PROPERTIES, INC. ("CPI"), by and through its
undersigned counsel, hereby alleges as follows:

Parties

1. CPI is a Nevada corporation, with its headquarters and principal place of
business in Redwood Shores, California.

2. CPI (and its predecessor) sought and obtained patent protection pertaining
to many inventions covering leading innovations in teleconferencing hardware and software. The
inventions protected by CPI's patents resulted from the investments of large monetary sums in
research and development.

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1 3. On information and belief, Tandberg, Inc. is a Delaware corporation, with
2 its headquarters and principal place of business in New York, New York.

3 4. Tandberg ASA (together with Tandberg, Inc., "Tandberg") is located in
4 Lysaker, Norway. Upon information and belief, Tandberg ASA is the parent corporation of
5 Tandberg, Inc.

6 5. Tandberg distributes and sells teleconferencing hardware and software
7 products, including but not limited to the MXP line of products and H.323 compliant products.
8 Collectively, the above products will be called "the Accused Tandberg Products." CPI is
9 informed and believes and based thereon alleges that the Accused Tandberg Products have
10 infringed and continue to infringe several U.S. Patents owned by CPI. CPI accordingly seeks
11 monetary damages to remedy Tandberg's past infringement of the patents and an injunction to
12 prevent Tandberg from further acts of infringement.

13 **Jurisdiction and Venue**

14 6. This is an action arising under the patent laws of the United States, Title 35
15 of the United States Code. This court has jurisdiction over the subject matter of this action
16 pursuant to 28 U.S.C. §§ 1331 (federal question) and 1338(a) (action arising under an Act of
17 Congress relating to patents).

18 7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c) and
19 28 U.S.C. § 1400(b).

20 8. Tandberg is doing business within the United States, including this Judicial
21 District, by manufacturing, selling, offering to sell, and/or using its products directly or through
22 other intermediaries in this Judicial District and throughout the United States.

23 **Intradistrict Assignment**

24 9. This action is appropriate for assignment to the San Francisco division of
25 this Court because a substantial part of the events or omissions giving rise to CPI's claims
26 occurred in counties located within the San Francisco division of this Court.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

10. United States Patent No. 5,867,654 ("the '654 patent"), entitled *Two Monitor Videoconferencing Hardware*, was duly and lawfully issued on February 2, 1999. CPI is the assignee of all right, title and interest in the '654 patent. A true and correct copy of the '654 patent is attached hereto as Exhibit A.

11. United States Patent No. 5,896,500 ("the '500 patent"), entitled *System For Call Request Which Results In First And Second Call Handle Defining Call State Consisting Of Active Or Hold For Its Respective AV Device*, was duly and lawfully issued on April 20, 1999. CPI is the assignee of all right, title and interest in the '500 patent. A true and correct copy of the '500 patent is attached hereto as Exhibit B.

12. United States Patent No. 6,212,547 ("the '547 patent"), entitled *UTP Based Video And Data Conferencing*, was duly and lawfully issued on April 3, 2001. CPI is the assignee of all right, title and interest in the '547 patent. A true and correct copy of the '547 patent is attached hereto as Exhibit C.

13. Collectively, the '654, '500 and '547 patents will be called "the CPI Patents."

14. Upon information and belief, the Accused Tandberg Products infringe one or more claims of the CPI Patents. Tandberg has been aware of the CPI Patents for years, and knew or should have known that it infringed the CPI patents since at least January 2003.

15. Tandberg has manufactured, used, caused to be used, offered to sell and/or sold the Accused Tandberg Products in this Judicial District and elsewhere in the United States.

CLAIMS

FIRST COUNT

(Infringement of the '654 Patent)

16. CPI incorporates by reference the allegations set forth in Paragraphs 1-15 of this Complaint, as though fully set forth herein.

17. CPI is informed and believes, and on that basis alleges, that Tandberg has infringed and is currently infringing the '654 patent, has contributed and is currently contributing

1 to the infringement of the '654 patent, and/or has actively induced and is actively inducing others
2 to infringe the '654 patent, by committing acts defined in 35 U.S.C. § 271 as unlawful and
3 infringing, including but not limited to the making, using, offering for sale or selling one or more
4 of the Accused Tandberg Products. All such acts have been without authority or license from CPI.

5 18. Tandberg has been aware of the '654 patent for years. Tandberg knew or
6 should have known that it infringed the '654 patent since at least January 2003.

7 19. Upon information and belief, Tandberg's infringement, inducement of
8 infringement and/or contributory infringement of the '654 patent has been and continues to be
9 willful and deliberate, and without regard for CPI's rights in the '654 patent. Upon information
10 and belief, unless enjoined by this Court, Tandberg will continue activities causing damage and
11 irreparable harm to CPI.

12 **SECOND COUNT**

13 **(Infringement of the '500 Patent)**

14 20. CPI incorporates by reference the allegations set forth in Paragraphs 1-19 of
15 this Complaint, as though fully set forth herein.

16 21. CPI is informed and believes, and on that basis alleges, that Tandberg has
17 infringed and is currently infringing the '500 patent, has contributed and is currently contributing
18 to the infringement of the '500 patent, and/or has actively induced and is actively inducing others
19 to infringe the '500 patent, by committing acts defined in 35 U.S.C. § 271 as unlawful and
20 infringing, including but not limited to the making, using, offering for sale or selling one or more
21 of the Accused Tandberg Products. All such acts have been without authority or license from CPI.

22 22. Tandberg has been aware of the '500 patent for years. Tandberg knew or
23 should have known that it infringed the '500 patent since at least January 2003.

24 23. Upon information and belief, Tandberg's infringement, inducement of
25 infringement and/or contributory infringement of the '500 patent has been and continues to be
26 willful and deliberate, and without regard for CPI's rights in the '500 patent. Upon information
27 and belief, unless enjoined by this Court, Tandberg will continue activities causing damage and
28 irreparable harm to CPI.

THIRD COUNT

(Infringement of the '547 Patent)

24. CPI incorporates by reference the allegations set forth in Paragraphs 1-23 of this Complaint, as though fully set forth herein.

25. CPI is informed and believes, and on that basis alleges, that Tandberg has infringed and is currently infringing the '547 patent, has contributed and is currently contributing to the infringement of the '547 patent, and/or has actively induced and is actively inducing others to infringe the '547 patent, by committing acts defined in 35 U.S.C. § 271 as unlawful and infringing, including but not limited to the making, using, offering for sale or selling one or more of the Accused Tandberg Products. All such acts have been without authority or license from CPI.

26. Tandberg has been aware of the '547 patent for years. Tandberg knew or should have known that it infringed the '547 patent since at least January 2003.

27. Upon information and belief, Tandberg's infringement, inducement of infringement and/or contributory infringement of the '547 patent has been and continues to be willful and deliberate, and without regard for CPI's rights in the '547 patent. Upon information and belief, unless enjoined by this Court, Tandberg will continue activities causing damage and irreparable harm to CPI.

PRAYER FOR RELIEF

WHEREFORE, CPI prays for the following relief:

a) A judgment by the Court that the Accused Tandberg Products infringe the CPI Patents;

b) A judgment by the Court that Tandberg is liable for contributory infringement and inducement of infringement of the CPI Patents;

c) A judgment by the Court that Tandberg's infringement of the CPI Patents has been and continues to be willful;

e) Preliminary and permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Tandberg, its officers, agents, servants, employees, successors, assigns and all other persons or entities acting in concert or participation with Tandberg, from further infringement,

1 including contributory infringement and inducement of infringement, of the CPI Patents;

2 f) An award of damages to compensate CPI for Tandberg's past and present
3 infringement, including preliminary, pre- and post-judgment interests and costs, pursuant to 35
4 U.S.C. § 284, first paragraph;

5 g) An award of treble damages based on the willfulness of Tandberg's
6 infringement, pursuant to 35 U.S.C. § 284, second paragraph;

7 h) A judgment by the Court that this case is exceptional and an award to CPI
8 of its reasonable attorney fees, disbursements, and costs in accordance with the law, including, but
9 not limited to, 35 U.S.C. § 285; and

10 i) For such other, further or different relief as this Court deems just and
11 proper.

12 **DEMAND FOR JURY TRIAL**

13 CPI demands a trial by jury for all claims in this action.

14 Dated: May 11, 2005

Respectfully submitted,

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16 By 
17 GEORGE M. NEWCOMBE

18 Attorneys for Plaintiff
19 COLLABORATION PROPERTIES, INC.

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