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14 3COM CORPORATION

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 3COM CORPORATION,  
19 Plaintiff,  
20 v.  
21 D-LINK SYSTEMS INC.,  
22 Defendant.

No.  
COMPLAINT FOR PATENT  
INFRINGEMENT AND DEMAND FOR  
JURY TRIAL

1 **COMPLAINT**

2 Plaintiff, 3COM CORPORATION (hereinafter sometimes referred to as “3Com”) for  
3 its Complaint against defendant D-LINK SYSTEMS, INC. (hereinafter sometimes referred  
4 to as “D-Link”) demands a jury trial and avers upon knowledge as to its own status and acts,  
5 and upon information and belief as to all other matters, as follows.

6  
7 **NATURE OF THE ACTION**

8 1. The claim in this action arises under the patent laws of the United States, 35  
9 U.S.C. §§ 1 *et seq.*, from D-Link’s direct, contributory and/or inducement of infringement  
10 of certain patents relating to network interface technology (the “3Com Patents”). 3Com  
11 seeks damages for such infringement of the 3Com Patents by D-Link together with a  
12 permanent injunction restraining D-Link from further infringement.

13  
14 **JURISDICTION AND VENUE**

15 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and  
16 1338(a).

17 3. Venue is proper in this District pursuant to 28 U.S.C. §§1391 and 1400(b).

18 4. This Court has personal jurisdiction over D-Link because D-Link uses, offers for  
19 sale, sells and induces others to use and sell network interface controller products that  
20 infringe the 3Com Patents, in this judicial district. Interdistrict assignment under Civil  
21 Local Rule 32-2(c) does not apply as this is an intellectual property case.

22  
23 **PARTIES**

24 5. Plaintiff 3Com is a corporation of Delaware having a principal place of business  
25 at Santa Clara, California 95052. 3Com is an industry leader in technology innovation and  
26 provides innovative, practical, and high-value networking products, including network  
27 interface controllers, for its customers. 3Com is also a leader in internet protocol service  
28 platforms and access infrastructure for the network service provider market.

1 6. Defendant D-Link is a corporation of California having a principal place of  
2 business at Irvine, California 92618.

3 7. Defendant D-Link uses, offers for sale, sells and induces others to use and sell  
4 network interface controller products that infringe the 3Com Patents.

## 5 **BACKGROUND**

### 6 3Com Technology and the 3Com Patents

7  
8 8. Since the time of its founding in 1979, 3Com has invested in the research that has  
9 led to the development of numerous networking products. Because of its innovative and  
10 practical products, the company is recognized world-wide as a leader in the industry that it  
11 helped grow. The company domestically manufactures a number of its own products and  
12 frequently licenses others to use its proprietary technology.

13 9. From the research investment that 3Com has made in networking technology, it  
14 has made many improvements and developed new techniques in the technology that have  
15 been recognized by the industry. This investment by 3Com has resulted in a number of  
16 inventions covered by issued patents.

17 10. 3Com is the owner of all right, title and interest, including the right to bring  
18 actions and recover damages for D-Link's infringement, in patents relating to network  
19 interface controllers capable of operating at data transfer rates of 10 megabits-per-second  
20 (“Mbps”), 100 Mbps, 1000 Mbps, or greater (hereinafter, generally referred to as the “3Com  
21 ‘10/100/1000’ Patents”). These patents include:

22 (a) United States Patent No. 6,327,625 (hereinafter sometimes referred to as  
23 the “ ‘625 patent’”) entitled “FIFO-Based Network Interface Supporting Out-of-Order  
24 Processing,” issued on December 4, 2001. A copy is attached hereto as Exhibit 1; and

25 (b) United States Patent No. 6,570,884 (hereinafter sometimes referred to as  
26 the “ ‘884 patent’”) entitled “Receive Filtering For Communication Interface,” issued on  
27 May 27, 2003. A copy is attached hereto as Exhibit 2.

28

**D-LINK’S INFRINGEMENT OF THE “3COM ‘10/100/1000’ PATENTS”**

11. D-Link is infringing the 3Com “10/100/1000” Patents, referenced in paragraph 10 above, by using, selling and/or offering to sell and inducing others to use and sell network interface cards including, but not limited to, the D-Link DGE-530T and other products with similar functionality related to the 3Com “10/100/1000” patents (hereinafter, generally referred to as “Products”), within the United States and without 3Com’s permission.

12. D-Link has had notice of the 3Com “10/100/1000” Patents. D-Link’s infringement of the patent claims of the 3Com “10/100/1000” Patents is and has been willful.

**COUNT I**

13. Paragraphs 1 through 12 are incorporated herein by reference.

14. 3Com is the owner of all right, title and interest in and to United States Patent 6,327,625, and accordingly has the right to bring legal action to recover damages for infringement of the ‘625 patent.

15. D-Link uses, sells and/or offers to sell, within the United States and within this judicial district and without 3Com’s permission, Products that infringe directly or indirectly or induce infringement of the ‘625 patent.

16. As a direct result of D-Link’s acts, 3Com has been and is being damaged.

17. D-Link has had notice of the ‘625 patent owned by 3Com.

18. D-Link has not had, nor does it presently have, a reasonable basis for believing that it has a right to engage in the acts complained of herein, and D-Link’s past and ongoing infringement is willful and deliberate, making this an exceptional case and justifying the award of treble damages pursuant to 35 U.S.C. § 284 and attorney fees pursuant to 35 U.S.C. § 285.

19. Unless enjoined by this Court, D-Link will continue to infringe the ‘625 patent owned by 3Com, thereby irreparably harming 3Com.

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**COUNT II**

20. Paragraphs 1 through 19 are incorporated herein by reference.

21. 3Com is the owner of all right, title and interest in and to United States Patent 6,570,884, and accordingly has the right to bring legal action to recover damages for infringement of the '884 patent.

22. D-Link uses, sells and/or offers to sell, within the United States and within this judicial district and without 3Com's permission, Products that infringe directly or indirectly or induce infringement of the '884 patent.

23. As a direct result of D-Link's acts, 3Com has been and is being damaged.

24. D-Link has had notice of the '884 patent owned by 3Com.

25. D-Link has not had, nor does it presently have, a reasonable basis for believing that it has a right to engage in the acts complained of herein, and D-Link's past and ongoing infringement is willful and deliberate, making this an exceptional case and justifying the award of treble damages pursuant to 35 U.S.C. § 284 and attorney fees pursuant to 35 U.S.C. § 285.

26. Unless enjoined by this Court, D-Link will continue to infringe the '884 patent owned by 3Com, thereby irreparably harming 3Com.

**DEMAND FOR JURY TRIAL**

27. 3Com hereby demands a trial by jury of all issues so triable.

**WHEREFORE**, 3Com respectfully prays for a Judgment:

A. Awarding to 3Com compensatory damages resulting from D-Link's infringement of the 3Com "10/100/1000" Patents, in an amount to be ascertained at trial, pursuant to 35 U.S.C. § 284;

B. Trebling any and all damages awarded for D-Link's infringement of the 3Com "10/100/1000" Patents, pursuant to 35 U.S.C. § 284;

1 C. Permanently enjoining D-Link and its officers, directors, employees, servants, agents,  
2 and others acting in concert therewith from infringing the 3Com “10/100/1000” Patents,  
3 pursuant to 35 U.S.C. § 283;

4 D. Awarding to 3Com interest and costs, pursuant to 35 U.S.C. § 284;

5 E. Awarding to 3Com reasonable attorneys’ fees and costs of the litigation, pursuant to  
6 35 U.S.C. § 285.

7 F. For such other and further relief in favor of 3Com as this Court deems just and  
8 proper.

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15 *A Professional Corporation*

**CERTIFICATION OF INTERESTED PARTIES OR ENTITIES**

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date 3Com Corporation states there is no such interest to report.

DATED: January 6, 2005.

Respectfully,

NEIL A. SMITH  
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