

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JOHN MEZZALINGUA ASSOCIATES, INC.,  
d/b/a PPC,

Plaintiff,

-vs-

Civil Action No.:

ARROW COMMUNICATIONS  
LABORATORIES, INC. and TRESNESS  
IRREVOCABLE PATENT TRUST,

Defendants.

---

**COMPLAINT**

Plaintiff John Mezzalingua Associates, Inc., doing business as PPC, for its  
Complaint as against Defendants Arrow Communications Laboratories, Inc., and  
Tresness Irrevocable Patent Trust, alleges as follows:

1. This is an action for declaratory judgment of patent non-infringement and  
invalidity under the Patent Laws of the United States, Title 35 of the United States Code  
and Declaratory Judgment Act, 28 U.S.C §§ 2201 and 2202.

2. Plaintiff John Mezzalingua Associates, Inc., doing business as PPC (“PPC”) is a corporation formed under the laws of the State of Delaware and has its principal place of business at 6176 East Molloy Road, East Syracuse, New York 13057.

3. Upon information and belief, Defendant Arrow Communications Laboratories, Inc., (“ARCOM”), is a Delaware corporation and has its principal place of business at 185 Ainsley Drive, Syracuse, New York 13210.

4. Upon information and belief, Defendant Tresness Irrevocable Patent Trust (Tresness Trust) is a trust established under the laws of the State of New York with a place of business of 2030 Erie Boulevard East, Syracuse, New York 13224.

5. From at least April 28, 1998 until at least June 2, 2005, Tresness Trust was that assignee of U.S. Patent No. 5,745,838 (“the ’838 patent”), a copy of which is attached to this Complaint as **Exhibit A**.

6. Upon information and belief, on June 2, 2005, Tresness Trust assigned at least a portion of its interest in the ’838 patent to ARCOM.

7. PPC manufactures and sells a superior quality filter for incorporation in cable television networks which, upon information and belief, ARCOM asserts infringes unspecified claims of the ’838 patent.

8. ARCOM has also purportedly asserted that sale and use of PPC’s filters by its distributors and customers infringe unspecified claims of the ’838 patent.

9. PPC denies that any of its products infringe any valid claim of the ’838 patent and asserts that each and every claim of the ’838 patent is invalid.

10. A justiciable controversy exists between PPC and ARCOM as to the validity, enforceability and alleged infringement of the '838 patent by any actions of PPC.

11. This Court has subject matter jurisdiction of the controversy pursuant to 28 U.S.C. §§ 1338(a), 2001(a) and 2002.

12. Venue is proper in this District as all parties have principal places of business in this District.

13. The claims of the '838 patent fail to satisfy the requirements of patentability under Title 35 of the United States Code, including but not limited to 35 U.S.C. §§ 101, 102, 103, 112, 132 and 305.

14. The claims of the '838 patent are invalid.

15. The claims of the '838 patent are unenforceable.

16. PPC has not infringed any valid claim of the '838 patent.

Plaintiff hereby demands a trial by jury of all issues so triable.

WHEREFORE, PPC seeks judgment against ARCOM and Tresness Trust:

- a. Declaring that PPC has not directly or contributorily infringed, or induced infringement of the '838 patent;
- b. Declaring that the claims of the '838 patent are invalid;
- c. Enjoining ARCOM from asserting or charging that PPC or its customers and distributors manufacture, use, offer for sale or sale of PPC's filter product constitutes infringement of the '838 patent;
- d. Finding that this is an exceptional case pursuant to 35 U.S.C. § 285;
- e. Awarding PPC its costs and reasonable attorneys' fees; and

- f. Granting PPC such other and further relief as the Court deems just and proper.

Dated: June 6, 2005

WALL MARJAMA & BILINSKI LLP

By: \_\_\_\_\_

James R. Muldoon

Bar Roll No.: 506772

101 South Salina Street, Suite 400

Syracuse, New York 13202

Telephone: (315) 425-9000

Facsimile: (315) 425-9114

*Attorneys for Defendant*

*John Mezzalingua Associates, Inc.,  
d/b/a PPC.*