

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHEETAH OMNI, LLC,

Plaintiff,

v.

TELLABS, INC., TELLABS  
OPERATIONS, INC., and TELLABS  
NORTH AMERICA, INC.,

Defendants.

HONORABLE \_\_\_\_\_

Case No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT  
AND DEMAND FOR JURY TRIAL**

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Plaintiff, Cheetah Omni LLC (“Cheetah Omni”), for its Complaint against Tellabs, Inc., Tellabs Operations, Inc., and Tellabs North America, Inc. (collectively “Tellabs”), alleges as follows:

**THE PARTIES**

1. Plaintiff, Cheetah Omni, is a Texas Limited Liability Company having its principal place of business at 647 Spring Valley Drive, Ann Arbor, Michigan.
2. Defendant Tellabs, Inc., Tellabs Operations, Inc., and Tellabs North America, Inc. (collectively “Tellabs”) are organized and existing under the laws of the State of

Delaware, each having a principal place of business at One Tellabs Center, 1415 West Diehl Road, Naperville, Illinois.

### **JURISDICTION**

3. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code.
4. The subject matter jurisdiction for this Court is founded upon 28 U.S.C. § 1338 (patents) and 28 U.S.C. § 1331 (federal question).
5. On information and belief, Tellabs regularly conducts business in the State of Michigan and in the Eastern District of Michigan. Tellabs Operations, Inc. and Tellabs North America, Inc. are each registered to do business in the State of Michigan, and each has a registered agent at 30600 Telegraph Road, Suite 2345, Bingham Farms, Michigan 48025. Upon information and belief, Tellabs regularly and continuously engage in substantial sales and other business transactions in the Eastern District of Michigan. The United States District Court for the Eastern District of Michigan therefore has *in personam* jurisdiction over Tellabs.

### **THE PATENTS-IN-SUIT**

6. On September 6, 2005, U.S. Patent No. 6,940,647 (“the '647 patent,” Exhibit A), entitled “Apparatus and Method for Controlling Polarization of an Optical Signal,” was duly and lawfully issued by the U.S. Patent & Trademark Office.
7. On February 15, 2005, U.S. Patent No. 6,856,459 (“the '459 patent,” Exhibit B), entitled “Apparatus and Method for Controlling Polarization of an Optical Signal,” was duly and lawfully issued by the U.S. Patent & Trademark Office.

8. Cheetah Omni is the owner by assignment of the '647 and '459 patents.

**COUNT I – INFRINGEMENT  
OF U.S. PATENT NO. 6,940,647**

9. Plaintiff Cheetah Omni reaffirms and realleges the allegations contained in the above paragraphs 1-8.
10. Defendant Tellabs has infringed and is infringing the '647 patent, either directly, by inducing others to infringe, and/or contributorily, by making, using, offering for sale, selling, and/or importing in the United States certain optical processing technology, including but not limited to the Tellabs 7100 Reconfigurable Optical Add Drop Multiplexer (“ROADM”) including a liquid crystal Wavelength Selective Switch (“WSS”).
11. Plaintiff Cheetah Omni has suffered damages as a result of the infringing activities of Tellabs, and will continue to suffer such damage as long as those infringing activities continue.

**COUNT II – INFRINGEMENT  
OF U.S. PATENT NO. 6,856,459**

12. Plaintiff Cheetah Omni reaffirms and realleges the allegations contained in the above paragraphs 1-11.
13. Defendant Tellabs has infringed and is infringing the '459 patent, either directly, by inducing others to infringe, and/or contributorily, by making, using, offering for sale, selling, and/or importing in the United States certain optical processing technology, including but not limited to the Tellabs 7100 Reconfigurable Optical Add Drop

Multiplexer (“ROADM”) including a liquid crystal Wavelength Selective Switch (“WSS”).

14. Plaintiff Cheetah Omni has suffered damages as a result of the infringing activities of Tellabs, and will continue to suffer such damage as long as those infringing activities continue.

15. The allegations of paragraphs 10 and 13 will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

**PRAYER FOR RELIEF**

**WHEREFORE**, plaintiff Cheetah Omni requests entry of a judgment against Tellabs granting relief as follows:

A. Finding defendant Tellabs is liable for infringement of the '647 and '459 patents;

B. Granting preliminary and permanent injunctive relief restraining Tellabs, together with any officers, agents, servants, employees, and attorneys, and such other persons in active concert or participation with Tellabs who receive actual notice of the order, from further infringement of the '647 and '459 patents;

C. Awarding plaintiff Cheetah Omni damages adequate to compensate for Tellabs' infringement;

D. Declaring this an exceptional case within the meaning of 35 U.S.C. §285, and awarding plaintiff Cheetah Omni its reasonable attorney's fees, costs, and disbursements;

E. Awarding plaintiff Cheetah Omni interest on all damages awarded; and

F. Granting such other, further and different relief as may be just and equitable on the proofs.

**DEMAND FOR JURY TRIAL**

Plaintiff Cheetah Omni hereby demands a trial by jury for all issues so triable.

Respectfully submitted,

**BROOKS KUSHMAN P.C.**

Dated: June 3, 2011

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