

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

BELDEN INC.,

Plaintiff

v.

LS CORP., LS CABLE LTD. and
LS CABLE AMERICA, INC.,

Defendants.

Civil Action No. 10-05476-SCR-MAS

JURY TRIAL DEMANDED

Electronically Filed Document

SECOND AMENDED COMPLAINT
AND JURY DEMAND

Plaintiff Belden Inc. (“Plaintiff” or “Belden”) for its Complaint against Defendants LS Corp., LS Cable Ltd., and LS Cable America, Inc. (collectively, “Defendants”), to the best of its knowledge, information and belief, hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for infringement of United States Patent Nos. 7,663,061, and 7,135,641. As alleged herein, Defendants – individually, jointly and/or with others – have infringed (literally and/or by equivalents), and continue to infringe, Belden’s patent rights by making, using, importing, selling, and/or offering to sell within the United States data communications cable products covered by one or more patent claims, and/or by contributing to or inducing such infringement.

PARTIES

2. Plaintiff Belden is a Delaware corporation having a principal place of business at 7733 Forsyth Boulevard, Suite 800, St. Louis, Missouri 63105.

3. On information and belief, Defendant LS Corp. is a corporation organized under the laws of the Republic of Korea, having a principal place of business at the LS Tower, 1026-6 Hogye-dong, Dongan-gu, Anyang-si Gyeonggi-do, Republic of Korea 431-080.

4. On information and belief, Defendant LS Cable Ltd. is a corporation organized under the laws of the Republic of Korea, having a principal place of business at the LS Tower, 1026-6 Hogye-dong, Dongan-gu, Anyang-si Gyeonggi-do, Republic of Korea 431-080.

5. On information and belief, Defendant LS Cable America, Inc. is a New Jersey corporation, having a principal place of business at 920 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.

6. On information and belief, LS Cable Ltd. is a wholly owned subsidiary of LS Corp.

7. On information and belief, LS Cable America, Inc. is a wholly owned subsidiary of LS Cable Ltd.

JURISDICTION AND VENUE

8. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331 and 1338(a).

9. This action was originally filed in the District of Delaware, in the case captioned *Belden Technologies, Inc. v. LS Corp. et al.*, Civil Action No. 08-823 (D. Del.), and was transferred to the District of New Jersey, *sua sponte*, by the Delaware court.

10. This Court has personal jurisdiction over LS Cable America, Inc., which is a New Jersey corporation with its principal place of business in New Jersey.

11. On information and belief, LS Cable Ltd. and LS Corp., independently, jointly,

and/or at the direction of one another, manufacture, and export, sell, and/or offer to sell the data communications cables that are the subject of this action to customers in the United States, including customers in New Jersey, such as at least LS America, Inc.

12. On information and belief, LS America, Inc. is controlled and/or dominated by LS Cable Ltd. and/or LS Corp., serving as an agent and/or alter ego thereto.

13. On information and belief, LS Cable Ltd. is controlled and/or dominated by LS Corp., serving as an agent and/or alter ego thereto.

14. On information and belief, a former incarnation of LS Corp. and/or LS Cable Ltd. has registered to do business in New Jersey and appointed Jong Won Kim, 920 Sylvan Avenue, Englewood Cliffs, NJ 07632 as its registered agent. On information and belief, Jong Won Kim is the President of LS Cable America, Inc.

15. LS Cable Ltd. has previously accepted service of pleadings in this action through Jong Won Kim, 920 Sylvan Avenue, Englewood Cliffs, NJ 07632.

16. Venue is proper in the District of New Jersey under 28 U.S.C. §§1391 and 1400(b).

COUNT I
Infringement of U.S. Patent No. 7,663,061

17. Belden is the owner of United States Patent No. 7,663,061 (“the ’061 patent”) entitled “High Performance Data Cable,” and has the right to sue on the ’061 patent. A copy of the ’061 patent is attached as Exhibit A.

18. Defendant LS Corp. has infringed (literally and/or by equivalents), and is continuing to infringe, the ’061 patent by making, using, importing, selling, and/or offering to sell data communications cable products covered by one or more of the ’061 patent claims within the United States, and/or by contributing to or inducing such infringement.

19. Defendant LS Corp.'s infringement of the '061 patent is and has been willful, has caused and will continue to cause Belden to suffer substantial damages, and has caused and will continue to cause Belden to suffer irreparable harm for which there is no adequate remedy at law.

20. Defendant LS Cable Ltd. has infringed (literally and/or by equivalents), and is continuing to infringe, the '061 patent by making, using, importing, selling, and/or offering to sell data communications cable products covered by one or more of the '061 patent claims within the United States, and/or by contributing to or inducing such infringement.

21. Defendant LS Cable Ltd.'s infringement of the '061 patent is and has been willful, has caused and will continue to cause Belden to suffer substantial damages, and has caused and will continue to cause Belden to suffer irreparable harm for which there is no adequate remedy at law.

22. Defendant LS Cable America, Inc. has infringed (literally and/or by equivalents), and is continuing to infringe, the '061 patent by making, using, importing, selling, and/or offering to sell data communications cable products covered by one or more of the '061 patent claims within the United States, and/or by contributing to or inducing such infringement.

23. Defendant LS Cable America, Inc.'s infringement of the '061 patent is and has been willful, has caused and will continue to cause Belden to suffer substantial damages, and has caused and will continue to cause Belden to suffer irreparable harm for which there is no adequate remedy at law.

COUNT II
Infringement of U.S. Patent No. 7,135,641

24. Belden repeats and realleges the foregoing paragraphs.

25. Belden is the owner of United States Patent No. 7,135,641, entitled “Data Cable With Cross-Twist Cabled Core Profile” (“the ’641 patent”) and has the right to sue on the ’641 patent. A copy of the ’641 patent is attached as Exhibit B.

26. Defendant LS Corp. has infringed (literally and/or by equivalents), and is continuing to infringe, the ’641 patent by making, using, importing, selling, and/or offering to sell data communications cable products covered by one or more of the ’641 patent claims within the United States, and/or by contributing to or inducing such infringement.

27. Defendant LS Corp.’s infringement of the ’641 patent is and has been willful, has caused and will continue to cause Belden to suffer substantial damages, and has caused and will continue to cause Belden to suffer irreparable harm for which there is no adequate remedy at law.

28. Defendant LS Cable Ltd. has infringed (literally and/or by equivalents), and is continuing to infringe, the ’641 patent by making, using, importing, selling, and/or offering to sell data communications cable products covered by one or more of the ’641 patent claims within the United States, and/or by contributing to or inducing such infringement.

29. Defendant LS Cable Ltd.’s infringement of the ’641 patent is and has been willful, has caused and will continue to cause Belden to suffer substantial damages, and has caused and will continue to cause Belden to suffer irreparable harm for which there is no adequate remedy at law.

30. Defendant LS Cable America, Inc. has infringed (literally and/or by equivalents), and is continuing to infringe, the ’641 patent by making, using, importing, selling, and/or offering to sell data communications cable products covered by one or more of the ’641 patent claims within the United States, and/or by contributing to or inducing such infringement.

31. Defendant LS Cable America, Inc.'s infringement of the '641 patent is and has been willful, has caused and will continue to cause Belden to suffer substantial damages, and has caused and will continue to cause Belden to suffer irreparable harm for which there is no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Belden requests that this Court enter judgment as follows ordering that:

(a) Defendants infringe the '061 and '641 patents by their making, using, offering for sale, selling and/or offering to sell data communications cable products covered by one or more of the '061 and '641 patent claims within the United States, and/or by contributing to or inducing such infringement;

(b) Defendants' infringement of the '061 and '641 patents is willful;

(c) Defendants and their affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for any of them or on their behalf, or acting in concert with them, be preliminarily and permanently enjoined from further infringement of Belden's patent rights;

(d) Plaintiff be awarded compensatory damages and costs, with prejudgment and post-judgment interest;

(e) Plaintiff be awarded treble damages for willful patent infringement;

(f) This case be declared to be exceptional in favor of Plaintiff under 35 U.S.C. § 285, and that Plaintiff be awarded its costs, attorneys' fees, and other expenses incurred in connection with this action; and

(g) Plaintiff be awarded such other relief as the Court deems just and proper.

JURY DEMAND

Belden demands a trial by jury on all issues so triable.

LOCAL CIVIL RULE 11.2 CERTIFICATION

The matter in controversy is not the subject of any other action pending in any other court or any pending arbitration or administrative proceeding, except, as explained in greater detail in the parties' joint status letter dated March 16, 2011 (Docket No. 89), one of the patents-in-suit ('641) is the subject of a reexamination proceeding before the U.S. Patent and Trademark Office.

Respectfully submitted,

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