

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BELDEN TECHNOLOGIES, INC. and
BELDEN CDT (CANADA) INC.,

Plaintiffs

v.

SUPERIOR ESSEX INC. and
SUPERIOR ESSEX COMMUNICATIONS LP,

Defendants.

Civil Action No.: 08-063-SLR

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT AND JURY DEMAND

1. Plaintiff Belden Technologies, Inc. is a Delaware corporation having a principal place of business at 7701 Forsyth Boulevard, Suite 800, St. Louis, Missouri 63105.

2. Plaintiff Belden CDT (Canada) Inc. is organized under the laws of Canada and has a principal place of business at 100 King Street West, Toronto, Ontario, Canada M5X 1G5. (Herein, "Belden" may be used to refer to either of Plaintiffs or both of them collectively.)

3. On information and belief, Defendant Superior Essex Inc. is a Delaware corporation having a principal place of business at 150 Interstate North Parkway, Atlanta, Georgia 30339.

4. On information and belief, Defendant Superior Essex Communications LP is an entity organized under the laws of Delaware and has a principal place of business at 150 Interstate North Parkway Atlanta, Georgia 30339.

5. 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).

6. As alleged herein, Defendants – individually, together, and/or either or both Defendants jointly 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 products covered by one or more patent claims – or by performing any method claimed therein – within the United States, and/or by contributing to or inducing such infringement.

Count I
Infringement of U.S. Patent No. 5,424,491

7. Belden repeats and realleges the foregoing paragraphs.

8. Belden is the owner of United States Patent No. 5,424,491, entitled “Telecommunications Cable,” (“the ’491 patent”) and has the right to sue on the ’491 patent. A copy of the ’491 patent is attached as Exhibit A.

9. Defendant Superior Essex Inc. has infringed (literally and/or by equivalents), and is continuing to infringe, the ’491 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the ’491 patent claims within the United States, and/or by contributing to or inducing such infringement.

10. Defendant Superior Essex Inc.’s infringement of the ’491 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.

11. Defendant Superior Essex Communications LP has infringed (literally and/or by equivalents), and is continuing to infringe, the ’491 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the ’491 patent claims within the United States, and/or by contributing to or inducing such infringement.

12. Defendant Superior Essex Communications LP’s infringement of the ’491 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. 6,074,503

13. Belden repeats and realleges the foregoing paragraphs.

14. Belden is the owner of United States Patent No. 6,074,503, entitled "Making Enhanced Data Cable With Cross-Twist Cabled Core Profile," ("the '503 patent") and has the right to sue on the '503 patent. A copy of the '503 patent is attached as Exhibit B.

15. Defendant Superior Essex Inc. has infringed (literally and/or by equivalents), and is continuing to infringe, the '503 patent by performing any method claimed therein, within the United States, and/or by contributing to or inducing such infringement.

16. Defendant Superior Essex Inc.'s infringement of the '503 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.

17. Defendant Superior Essex Communications LP has infringed (literally and/or by equivalents), and is continuing to infringe, the '503 patent by performing any method claimed therein, within the United States, and/or by contributing to or inducing such infringement.

18. Defendant Superior Essex Communications LP's infringement of the '503 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 III
Infringement of U.S. Patent No. 6,570,095

19. Belden repeats and realleges the foregoing paragraphs.

20. Belden is the owner of United States Patent No. 6,570,095, entitled "Multi-Pair Data Cable With Configurable Core Filling And Pair Separation," ("the '095 patent") and has the right to sue on the '095 patent. A copy of the '095 patent is attached as Exhibit C.

21. Defendant Superior Essex Inc. has infringed (literally and/or by equivalents), and is continuing to infringe, the '095 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the '095 patent claims within the United States, and/or by contributing to or inducing such infringement.

22. Defendant Superior Essex Inc.'s infringement of the '095 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.

23. Defendant Superior Essex Communications LP has infringed (literally and/or by equivalents), and is continuing to infringe, the '095 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the '095 patent claims within the United States, and/or by contributing to or inducing such infringement.

24. Defendant Superior Essex Communications LP's infringement of the '095 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 IV
Infringement of U.S. Patent No. 6,596,944

25. Belden repeats and realleges the foregoing paragraphs.

26. Belden is the owner of United States Patent No. 6,596,944, entitled "Enhanced Data Cable With Cross-Twist Cabled Core Profile," ("the '944 patent") and has the right to sue on the '944 patent. A copy of the '944 patent is attached as Exhibit D.

27. Defendant Superior Essex Inc. has infringed (literally and/or by equivalents), and is continuing to infringe, the '944 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the '944 patent claims within the United States and/or by contributing to or inducing such infringement.

28. Defendant Superior Essex Inc.'s infringement of the '944 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.

29. Defendant Superior Essex Communications LP has infringed (literally and/or by equivalents), and is continuing to infringe, the '944 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the '944 patent claims within the United States and/or by contributing to or inducing such infringement.

30. Defendant Superior Essex Communications LP's infringement of the '944 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 V
Infringement of U.S. Patent No. 6,998,537

31. Belden repeats and realleges the foregoing paragraphs.

32. Belden is the owner of United States Patent No. 6,998,537, entitled "Multi-Pair Data Cable With Configurable Core Filling and Pair Separation," ("the '537 patent") and has the right to sue on the '537 patent. A copy of the '537 patent is attached as Exhibit E.

33. Defendant Superior Essex Inc. has infringed (literally and/or by equivalents), and is continuing to infringe, the '537 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the '537 patent claims within the United States and/or by contributing to or inducing such infringement.

34. Defendant Superior Essex Inc.'s infringement of the '537 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.

35. Defendant Superior Essex Communications LP has infringed (literally and/or by equivalents), and is continuing to infringe, the '537 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the '537 patent claims within the United States and/or by contributing to or inducing such infringement.

36. Defendant Superior Essex Communications LP's infringement of the '537 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 VI
Infringement of U.S. Patent No. 7,179,999

37. Belden repeats and realleges the foregoing paragraphs.

38. Belden is the owner of United States Patent No. 7,179,999, entitled "Multi-Pair Data Cable With Configurable Core Filling and Pair Separation," ("the '999 patent") and has the right to sue on the '999 patent. A copy of the '999 patent is attached as Exhibit F.

39. Defendant Superior Essex Inc. has infringed (literally and/or by equivalents), and is continuing to infringe, the '999 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the '999 patent claims within the United States, and/or by contributing to or inducing such infringement.

40. Defendant Superior Essex Inc.'s infringement of the '999 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.

41. Defendant Superior Essex Communications LP has infringed (literally and/or by equivalents), and is continuing to infringe, the '999 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the '999 patent claims within the United States, and/or by contributing to or inducing such infringement.

42. Defendant Superior Essex Communications LP's infringement of the '999 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 VII
Infringement of U.S. Patent No. 7,339,116

43. Belden repeats and realleges the foregoing paragraphs.

44. Belden is the owner of United States Patent No. 7,339,116 (“the ’116 patent”) entitled “High Performance Data Cable,” and has the right to sue on the ’116 patent. A copy of the ’116 patent is attached as Exhibit G.

45. Defendant Superior Essex Inc. has infringed (literally and/or by equivalents), and is continuing to infringe, the ’116 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the ’116 patent claims within the United States and/or by contributing to or inducing such infringement.

46. Defendant Superior Essex Inc.’s infringement of the ’116 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.

47. Defendant Superior Essex Communications LP has infringed (literally and/or by equivalents), and is continuing to infringe, the ’116 patent by making, using, importing, selling, and/or offering to sell products covered by one or more of the ’116 patent claims within the United States and/or by contributing to or inducing such infringement.

48. Defendant Superior Essex Communications LP’s infringement of the ’116 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 VIII
Infringement of U.S. Patent No. 7,135,641

49. Belden repeats and realleges the foregoing paragraphs.

50. Belden is the owner of United States Patent No. 7,135,641 (“the ’641 patent”) entitled “High Performance Data Cable,” and has the right to sue on the ’641 patent. A copy of the ’641 patent is attached as Exhibit H.

51. Defendant Superior Essex 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 products covered by one or more of the ’641 patent claims within the United States and/or by contributing to or inducing such infringement.

52. Defendant Superior Essex 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.

53. Defendant Superior Essex Communications LP 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 products covered by one or more of the ’641 patent claims within the United States and/or by contributing to or inducing such infringement.

54. Defendant Superior Essex Communications LP’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 '491, '503, '095, '944, '537, '999, '116, and '641 patents by their making, using, offering for sale, selling and/or offering to sell products covered by one or more of the '491, '503, '095, '944, '537, '999, '116, and '641 patent claims within the United States, and/or by contributing to or inducing such infringement;

(b) Defendants' infringement of the '491, '503, '095, '944, '537, '999, '116, 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) Plaintiffs be awarded compensatory damages and costs, with prejudgment interest;

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

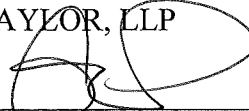
(f) This case be declared to be exceptional in favor of Plaintiffs under 35 U.S.C. §285, and that Plaintiffs be awarded their costs, attorneys' fees, and other expenses incurred in connection with this action; and

(g) Plaintiffs will 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.

YOUNG CONAWAY STARGATT &
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DATED: April 6, 2009

CERTIFICATE OF SERVICE

I, Adam W. Poff, hereby certify that on April 6, 2009, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

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