

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IP CO., LLC,)	
)	
)	CIVIL ACTION FILE
Plaintiff,)	
)	NO. 1:06-CV-0585 CC
v.)	
)	
TROPOS NETWORKS, INC.,)	
)	
Defendant.)	<u>JURY TRIAL DEMANDED</u>
_____)	

FIRST AMENDED COMPLAINT

NOW COMES Plaintiff IP CO., LLC (“IPCO”), and hereby makes and files this First Amended Complaint against defendant TROPOS NETWORKS, INC. (“Tropos”) for infringement of U.S. Patent No. 6,249,516 and U.S. Patent No. 6,044,062 under 35 U.S.C. § 271. IPCO hereby demands a jury trial and alleges as follows:

Parties

1. IPCO is a Georgia limited liability corporation headquartered in Atlanta, Georgia.

2. Tropos is a Delaware corporation, having its principal place of business at 555 Del Rey Avenue, Sunnyvale, California 94085.

Jurisdiction and Venue

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has exclusive subject matter jurisdiction pursuant to 28 U.S.C. § 1338(a).

4. This Court has personal jurisdiction over Tropos. On information and belief, Tropos regularly conducts business within the State of Georgia and this judicial district, including actions and conduct related to the infringement alleged herein. Tropos has a registered agent located at 1730 South Amphlett Boulevard, Suite 304, San Mateo, California 94402.

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b). Tropos has committed acts of infringement within the State of Georgia and, more particularly, within this judicial district.

COUNT I

Infringement of the '516 Patent

6. IPCO repeats and incorporates by reference as if fully stated herein the allegations in paragraphs 1 through 5 above.

7. United States Patent No. 6,249,516 (“the ‘516 Patent”), entitled “Wireless Network Gateway and Method for Providing Same,” was duly and legally issued by the United States Patent Office on June 19, 2001, after full and fair examination. A copy of the ‘516 Patent is attached hereto as Exhibit “A.”

8. IPCO is the assignee of all rights, title and interest in and to the ‘516 Patent and possesses all rights of recovery under the ‘516 Patent.

9. Upon information and belief, Tropos makes, uses, offers to sell, and/or sells a wireless mesh network system.

10. Tropos has infringed and is infringing at least one claim of the ‘516 Patent by making, using, offering to sell, and/or selling its wireless mesh network system. In particular, Tropos is infringing the ‘516 Patent under 35 U.S.C. § 271 by performing, without authority, one or more of the following acts: (a) making, using, offering to sell, and/or selling within the United States products and services that practice the inventions of the ‘516 Patent; (b) importing into the United States

the inventions of the '516 Patent; (c) contributing to the infringement of the '516 Patent by others in the United States; and/or (d) inducing others to infringe the '516 Patent within the United States.

11. Upon information and belief, Tropos's infringement, inducement of infringement, and/or contributory infringement of the '516 Patent has been willful and deliberate after receipt of notice of the '516 Patent.

12. IPCO has suffered damages as a result of Tropos's infringement of the '516 Patent and will continue to suffer damages and irreparable harm in the future unless Tropos is enjoined from infringing further the '516 Patent.

COUNT II

Infringement of the '062 Patent

13. IPCO repeats and incorporates by reference as if fully stated herein the allegations in paragraphs 1 through 12 above.

14. United States Patent No. 6,044,062 ("the '062 Patent"), entitled "Wireless Network System and Method for Providing Same," was duly and legally issued by the United States Patent Office on March 28, 2000, after full and fair examination. A copy of the '062 Patent is attached hereto as Exhibit "B."

15. IPCO is the assignee of all rights, title and interest in and to the '062 Patent and possesses all rights of recovery under the '062 Patent.

16. Upon information and belief, Tropos makes, uses, offers to sell, and/or sells a wireless network system.

17. Tropos has infringed and is infringing at least one claim of the '062 Patent by making, using, offering to sell, and/or selling its wireless network system. In particular, Tropos is infringing the '062 Patent under 35 U.S.C. § 271 by performing, without authority, one or more of the following acts: (a) making, using, offering to sell, and/or selling within the United States products and services that practice the inventions of the '062 Patent; (b) importing into the United States the inventions of the '062 Patent; (c) contributing to the infringement of the '062 Patent by others in the United States; and/or (d) inducing others to infringe the '062 Patent within the United States.

18. Upon information and belief, Tropos's infringement, inducement of infringement, and/or contributory infringement of the '062 Patent has been willful and deliberate after receipt of notice of the '062 Patent.

19. IPCO has suffered damages as a result of Tropos's infringement of the '062 Patent and will continue to suffer damages and irreparable harm in the future unless Tropos is enjoined from infringing further the '062 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff IP CO., LLC prays for the following relief against Defendant Tropos Networks, Inc.:

A. A judgment that Defendant has directly infringed the '516 and '062 Patents, contributorily infringed the '516 and '062 Patents, and/or induced infringement of the '516 and '062 Patents;

B. A preliminary, and thereafter permanent, injunction enjoining and restraining Defendant and its officers, directors, agents, servants, employees, attorneys, and all others acting under, by or through them, from directly infringing, contributorily infringing, and inducing the infringement of the '516 and '062 Patents;

C. A judgment and order requiring Tropos to pay IPCO damages under 35 U.S.C. § 284, including treble damages for willful infringement;

D. A judgment and order requiring Tropos to pay IPCO pre-judgment and post-judgment interest on the damages awarded;

E. A judgment requiring Tropos to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. § 285, with prejudgment interest; and

F. Such other and further relief as this Court may deem just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff IP CO., LLC hereby demands that all issues be determined by a jury.

[SIGNATURES ON FOLLOWING PAGE]

Respectfully submitted, this 19th day of July, 2006.

DUANE MORRIS LLP

s/Antony L. Sanacory

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Attorneys for Plaintiff

IP CO., LLC

CERTIFICATE OF COMPLIANCE

As required by Local Rule 7.1D, I hereby certify that this pleading has been prepared in Times New Roman 14-Point font, one of the font and point selections approved by this Court in Local Rule 5.1B.

This 20th day of July, 2006.

/s/ Antony L. Sanacory
Antony L. Sanacory

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on July 20, 2006, a true and correct copy of IPCO's First Amended Complaint was electronically filed with the Clerk using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

This 20th day of July, 2006.

/s/ Antony L. Sanacory