

**IN THE UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF ILLINOIS**

FILED: OCTOBER 31, 2008

08 CV 6250

JUDGE HIBBLER

MAGISTRATE JUDGE ASHMAN

FRANCISCO J. AVELLANET, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 BELDEN, INC., )  
 )  
 Defendant. )

Case No. BR

JURY DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

NOW COMES the Plaintiff, FRANCISCO J. AVELLANET, through his attorneys, Mark D. Roth, Keith H. Orum and Beata Bukranova of ORUM & ROTH, LLC, and for his Complaint for Patent Infringement against the Defendant, BELDEN, INC. (“Belden”) states:

**Jurisdiction**

1. This is a civil action for patent infringement, injunctive relief and damages arising under the United States Patent Act, 35 U.S.C. §1, *et. seq.* Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §1331 and 1338 (a). Defendant, Belden, is a Delaware corporation with its principal place of business in St. Louis, Missouri. Defendant is subject to personal jurisdiction in this Court, and is amenable to service of process pursuant to Illinois’s Long-Arm Statute and Rule 4(e) of the Federal Rules of Civil Procedure.
2. Venue lies in this District pursuant to 28 U.S.C. §1391(b) and (c), and 1400(b).

**Parties**

3. Plaintiff is the inventor and owner of United States Patents, No. 6,307,156, and 6,411,760.

4. Belden is a corporation organized under the laws of the state of Delaware. Belden sells coaxial cable throughout the United States and specifically in the Chicagoland area.

**COUNT I**  
**(Infringement Of '156 Patent)**

5. Plaintiff is the inventor and owner of United States Patent No. 6,307,156 entitled "High Flexibility and Heat Dissipating Coaxial Cable", issued on October 23, 2001 ("156 Patent") and which is a valid and enforceable patent. A true and correct copy of the '156 Patent is attached hereto as Exhibit 1.
6. Defendant has directly infringed, induced infringement of, and contributorily infringed the '156 Patent and continues to do so by making, using, selling and offering for sale coaxial cables that infringe one or more claims of the '156 Patent, and will further continue to do so unless enjoined by this Court.
7. Defendant's infringement is willful and deliberate, in that the Defendant has been informed of the '156 Patent but yet the Defendant continues to directly and indirectly infringe the '156 Patent.

**COUNT II**  
**(Infringement Of '760 Patent)**

- 8.-11. Plaintiff realleges and restates the allegations in paragraphs 1.-7. as and for the allegations of paragraphs 8.-11., as if fully set forth herein.
9. Plaintiff is the inventor and owner of United States Patent No. 6,411,760 entitled "Multifilament Twisted and Drawn Tubular Element and Co-Axial Cable Including the Same", issued on June 25, 2002 ("760 Patent") and which is a valid and enforceable patent. A true and correct copy of the '760 Patent is attached hereto as Exhibit 2.
10. Defendant has directly infringed, induced infringement of, and contributorily infringed the '760 Patent and continues to do so by making, using, selling and offering for sale

coaxial cables that infringe one or more claims of the '760 Patent, and will further continue to do so unless enjoined by this Court.

11. Defendant's infringement is willful and deliberate, in that the Defendant has been informed of the '760 Patent but yet the Defendant continues to directly and indirectly infringe the '760 Patent.

### **Prayer for Relief**

WHEREFORE, Plaintiff prays that judgment be entered against the Defendant, Belden, and requests the following relief:

- a. That the Defendant be held to have infringed the '156 Patent and the '760 Patent;
- b. That the Defendant and its subsidiaries, affiliates, successors, assigns, officers, agents, servants, employees, customers, attorneys and all persons acting in concert and participation with them or any of them, be temporarily and preliminarily enjoined during the pendency of this action, and subsequently permanently enjoined, from directly infringing, contributing to the infringement of and inducing infringement of the '156 Patent and the '760 Patent without express written authority of the Plaintiff;
- c. That the Defendant be directed to fully compensate Plaintiff for any and all damages attributable to Defendants' infringement of the '156 Patent and the '760 Patent in an amount to be proven at trial;
- d. That this case be deemed exceptional;
- e. That any damage award be trebled;
- f. That Plaintiff be awarded its reasonable attorney's fees;
- g. That Plaintiff be awarded costs of suit and an assessment of interest; and
- h. That Plaintiff has such other, further and different relief as this Court deems proper under the circumstances.

Respectfully submitted,

By: /Mark D. Roth/  
Attorney for Plaintiff

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