

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

ADC Telecommunications, Inc.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 0:08-cv-05222
	)	(DWF/JJK)
	)	
Tyco Electronics Corporation,	)	<b>Jury Trial Demanded</b>
	)	
Defendant.	)	
	)	

**First Amended Complaint**

This is a complaint for patent infringement. Plaintiff, ADC Telecommunications, Inc. (“ADC”), for its Complaint, states as follows:

1. Plaintiff ADC is a corporation organized and existing under the laws of Minnesota and has a principal place of business at 13625 Technology Drive, Eden Prairie, Minnesota 55344.
2. Upon information and belief, Defendant, Tyco Electronics Corporation (“Tyco”), is a Pennsylvania corporation having a principal place of business at 1050 Westlakes Drive, Berwyn, Pennsylvania 19312.

**Jurisdiction**

3. This action includes counts for patent infringement under the patent laws of the United States, 35 U.S.C. § 271.

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

**Count I**

**Claim for Patent Infringement of U.S. Patent No. 7,400,815**

5. Paragraphs 1–4 are incorporated into this count by reference.

6. ADC is the owner of the entire right, title, and interest in and to United States Patent No. 7,400,815 (“the ’815 patent”) which duly and legally issued to ADC on July 15, 2008.

7. ADC has satisfied the notice or marking provisions of 35 U.S.C. § 287.

8. Defendant Tyco makes and sells fiber optic distribution products, including without limitation Tyco’s FTerm UMT Fiber Distribution Terminals, that are covered by the ’815 patent, and by its actions relating to such fiber optic distribution products, including the sale and manufacture thereof, Defendant Tyco has infringed and continues to infringe the ’815 patent and will continue to do so unless enjoined by this Court.

9. ADC has been damaged by Defendant Tyco’s infringement of the ’815 patent and will continue to be damaged in the future unless Defendant Tyco is enjoined from infringing the ’815 patent.

**Count II**

**Claim for Patent Infringement of U.S. Patent No. 7,397,997**

10. Paragraphs 1–4 are incorporated into this count by reference.

11. ADC is the owner of the entire right, title, and interest in and to United States Patent No. 7,397,997 (“the ’997 patent”) which duly and legally issued to ADC on July 8, 2008.

12. ADC has satisfied the notice or marking provisions of 35 U.S.C. § 287.

13. Defendant Tyco makes and sells fiber optic distribution products, including without limitation Tyco’s FTerm UMT Fiber Distribution Terminals, that are covered by the ’997 patent, and by its actions relating to such fiber optic distribution products, including the sale and manufacture thereof, Defendant Tyco has infringed and continues to infringe the ’997 patent and will continue to do so unless enjoined by this Court.

14. ADC has been damaged by Defendant Tyco’s infringement of the ’997 patent and will continue to be damaged in the future unless Defendant Tyco is enjoined from infringing the ’997 patent.

### **Count III**

#### **Claim for Patent Infringement of U.S. Patent No. 7,407,330**

15. Paragraphs 1–4 are incorporated into this count by reference.

16. ADC is the owner of the entire right, title, and interest in and to United States Patent No. 7,407,330 (“the ’330 patent”) which duly and legally issued to ADC on August 5, 2008.

17. ADC has satisfied the notice or marking provisions of 35 U.S.C. § 287.

18. Defendant Tyco makes and sells fiber optic distribution products, including without limitation Tyco's CSX-3 cabinets, that are covered by the '330 patent, and by its actions relating to such fiber optic distribution products, including the sale and manufacture thereof, Defendant Tyco has infringed and continues to infringe the '330 patent and will continue to do so unless enjoined by this Court.

19. ADC has been damaged by Defendant Tyco's infringement of the '330 patent and will continue to be damaged in the future unless Defendant Tyco is enjoined from infringing the '330 patent.

#### **Count IV**

#### **Claim for Patent Infringement of U.S. Patent No. 7,200,317**

20. Paragraphs 1–4 are incorporated into this count by reference.

21. ADC is the owner, by assignment, of the entire right, title, and interest in and to United States Patent No. 7,200,317 (“the '317 patent”) which duly and legally issued on April 3, 2007.

22. ADC has satisfied the notice or marking provisions of 35 U.S.C. § 287.

23. Defendant Tyco makes and sells fiber optic distribution products, including without limitation Tyco's CSX-3 cabinets, that are covered by the '317 patent, and by its actions relating to such fiber optic distribution products, including the sale and manufacture thereof, Defendant Tyco has

infringed and continues to infringe the '317 patent and will continue to do so unless enjoined by this Court.

24. ADC has been damaged by Defendant Tyco's infringement of the '317 patent and will continue to be damaged in the future unless Defendant Tyco is enjoined from infringing the '317 patent.

### **Count V**

#### **Claim for Patent Infringement of U.S. Patent No. 7,233,731**

25. Paragraphs 1–4 are incorporated into this count by reference.

26. ADC is the owner of the entire right, title, and interest in and to United States Patent No. 7,233,731 ("the '731 patent") which duly and legally issued to ADC on June 19, 2007.

27. ADC has satisfied the notice or marking provisions of 35 U.S.C. § 287.

28. Defendant Tyco makes and sells fiber optic distribution products, including without limitation Tyco's CSX-3 cabinets, that are covered by the '731 patent, and by its actions relating to such fiber optic distribution products, including the sale and manufacture thereof, Defendant Tyco has infringed and continues to infringe the '731 patent and will continue to do so unless enjoined by this Court.

29. ADC has been damaged by Defendant Tyco's infringement of the '731 patent and will continue to be damaged in the future unless Defendant Tyco is enjoined from infringing the '731 patent.

**Demand for Relief**

ADC respectfully demands the following relief:

- a. A judgment that defendant Tyco has infringed the '815 patent.
- b. Both preliminary and permanent injunctions enjoining and restraining Defendant Tyco, its officers, directors, agents, servants, employees, attorneys and all other acting under or through it, directly or indirectly, from infringing the '815 patent;
- c. A judgment that Defendant Tyco has infringed the '997 patent;
- d. Both preliminary and permanent injunctions enjoining and restraining Defendant Tyco, its officers, directors, agents, servants, employees, attorneys and all other acting under or through it, directly or indirectly, from infringing the '997 patent;
- e. A judgment that Defendant Tyco has infringed the '330 patent;
- f. Both preliminary and permanent injunctions enjoining and restraining Defendant Tyco, its officers, directors, agents, servants, employees, attorneys and all other acting under or through it, directly or indirectly, from infringing the '330 patent;
- g. A judgment that Defendant Tyco has infringed the '317 patent;
- h. Both preliminary and permanent injunctions enjoining and restraining Defendant Tyco, its officers, directors, agents, servants, employees, attorneys

and all other acting under or through it, directly or indirectly, from infringing the '317 patent;

i. A judgment that Defendant Tyco has infringed the '731 patent;

j. Both preliminary and permanent injunctions enjoining and restraining Defendant Tyco, its officers, directors, agents, servants, employees, attorneys and all other acting under or through it, directly or indirectly, from infringing the '731 patent;

k. A judgment and order requiring Defendant Tyco to pay all appropriate damages under 35 U.S.C. § 284, including treble damages if any of the infringements is determined to be willful;

l. A judgment and order requiring Defendant Tyco to pay the costs of this action, including all disbursements and attorney fees, if this case is exceptional as provided by 35 U.S.C. § 285; and

m. Such other and further relief that this Court may deem just and equitable.

### **Demand for Jury Trial**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff ADC demands a trial by jury of all issues so triable.

**ADC Telecommunications, Inc.,**

By its attorneys,

Dated: December 8, 2008

s/ Timothy A. Lindquist

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