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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

2007 SEP -4 P 3:55

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

TALTWELL, LLC

Plaintiff,

v.

ZONET USA CORP.  
d/b/a ZONET USA, INC. and  
ZONET, INC.

Defendant.

Civil Action No. 3:07 CV 543 - Payne

**COMPLAINT FOR PATENT INFRINGEMENT**

For its Complaint against Defendant Zonet USA Corporation ("Zonet") d/b/a Zonet USA, Inc. and Zonet Inc., Plaintiff Taltwell, LLC ("Taltwell") alleges as follows:

**I. NATURE OF THE CASE**

1. Taltwell seeks injunctive relief and damages for acts of patent infringement, engaged in by Zonet, in violation of the patent laws of the United States.

**II. PARTIES AND JURISDICTION**

2. This action arises under the patent laws of the United States, 35 U.S.C. §§ 271, et seq. This Court has exclusive jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Taltwell is a Virginia limited liability corporation having a principal place of business at Suite 300, 8221 Old Courthouse Road, Vienna, Virginia 22182.

4. On information and belief, Zonet is a California corporation having a principal place of business at 19929 Harrison Ave., Walnut California 91789.

5. This Court has personal jurisdiction over Zonet because it conducts, transacts, and/or solicits business within this judicial district. Upon information and belief, Zonet has committed and continues to commit acts of infringement of the claims of the patent-in-suit within this judicial district by engaging in substantial and not isolated activities, including selling and/or offering to sell the infringing product via its website or other distribution channels in this judicial district. Personal jurisdiction is also proper because Zonet, acting alone or in concert with third parties, has intentionally caused and continues to cause injury in this judicial district.

6. Venue lies in the Eastern District of Virginia pursuant to 28 U.S.C. §§ 1391(b) and (c), and § 1400(b) because a substantial part of the events giving rise to the claims in this action occurred in this judicial district and because Zonet is subject to the personal jurisdiction of this Court.

### **III. FACTUAL BACKGROUND**

7. On April 16, 2002, U.S. Patent No. Re. 37,660 (“the ‘660 patent”), entitled “Automatic Dialing System,” was duly and legally issued from the United States Patent and Trademark Office to the inventor, David Talton. Mr. Talton has assigned all right, title, and interest in the ‘660 patent to Taltwell, including the right to sue for and recover all past, present, and future damages for infringement of the ‘660 patent. A copy of the ‘660 patent is attached as Exhibit A.

8. Zonet is a developer and provider of network and connectivity components. Zonet has in the past and continues to offer products such as compact flash cards, ethernet PC

cards, ethernet cardbus cards, notebook adapters, wireless PC cardbus adapters, and data fax PCMCIA modems. Zonet products are sold over the Internet and through various online retailers, including Amazon.com, Newegg.com, Buy.com, and Tigerdirect.com, including upon information and belief, retailers in this judicial district.

9. On information and belief, Zonet's PCMCIA Hardware Modem and/or PCMCIA Wireless Network Adapter include all elements of one or more claims of the '660 patent. Upon information and belief, these products, and possibly additional infringing Zonet products, are being offered for sale and/or have been sold on at least Zonet's website, which is accessible and user interactive within this judicial district, and/or a retailer of Zonet within this judicial district.

#### **IV. COUNT I – INFRINGEMENT OF THE '660 PATENT**

10. Taltwell incorporates by reference, as if fully set forth herein, the allegations contained in paragraphs 1 through 9 of this Complaint.

11. Taltwell has been properly assigned the rights to the technology of the '660 patent, which duly and legally issued on April 16, 2002.

12. On information and belief, Zonet has in the past and continues to infringe, directly or under the doctrine of equivalents, one or more claims of the '660 patent by making, using, offering for sale, and/or selling communication devices in the United States that are within the scope of claims of the '660 patent.

13. On information and belief, Zonet has in the past and continues to infringe by actively inducing others to infringe one or more claims of the '660 patent by making, using, offering for sale, and/or selling communication devices in the United States that are within the scope of the claims of the '660 patent, and by inducing others to do so.

14. On information and belief, Zonet has in the past and continues to contributorily infringe one or more claims of the '660 patent by making, using, offering for sale, and/or selling communication devices in the United States that are within the scope of the claims of the '660 patent.

15. On information and belief, the infringement of the '660 patent by Zonet has been with notice and knowledge of the patent has been willful.

16. Taltwell has been irreparably damaged and harmed by Zonet's infringement, and this damage and harm will continue unless Zonet is enjoined by this Court.

#### **V. DEMAND FOR JURY TRIAL**

17. Taltwell demands a trial by jury on all issues so triable.

**WHEREFORE**, Taltwell requests the following relief:

1. The Court enter a judgment in favor of Taltwell, declaring that Zonet has infringed the '660 patent as set forth in this complaint;

2. The Court enter a judgment in favor of Taltwell, declaring that Zonet's infringement of the '660 patent has been willful and trebling damages awarded to Taltwell, as provided by 35 U.S.C. § 284;

3. The Court preliminarily and permanently enjoins Zonet, and those in active concert with it, from infringing the '660 patent;

4. The Court awards Taltwell all damages adequate to compensate Taltwell for all acts of infringement of the '660 patent, but in no event less than a reasonable royalty, together with prejudgment and post-judgment interest and costs fixed by the Court, as provided by 35 U.S.C. § 284;

5. The Court declares that this is an exceptional case and for an award to Taltwell of its attorneys' fees incurred in prosecuting this action, as provided by 35 U.S.C. § 285; and

6. The Court grants Taltwell such other and further relief as justice may require.

Respectfully submitted, this day of Sept 4, 2007.

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