

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MAYFAIR WIRELESS, LLC,

Plaintiff,

v.

CISCO SYSTEMS, INC.;
ARRIS GROUP, INC.;
CRADLEPOINT, INC.; and
SIERRA WIRELESS AMERICA, INC.,

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Mayfair Wireless, LLC (“Mayfair”), for its Complaint against Cisco Systems, Inc. (“Cisco”); Arris Group, Inc. (“Arris”); CradlePoint, Inc. (“CradlePoint”); and Sierra Wireless America, Inc. (“Sierra Wireless”), hereby alleges as follows:

Nature of the Case

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting from Defendants’ unauthorized manufacture, use, sale, offer to sell, and/or importation into the United States for subsequent use or sale of products and/or systems that infringe one or more claims of United States Patent No. 6,587,441, entitled “Method and Apparatus for Transportation of Data over a Managed Wireless Network Using Unique Communication Protocol” (“the ‘441 Patent”).

Parties

2. Mayfair is a Delaware corporation that owns the ‘441 patent.
3. Arris is a Delaware Corporation with its principal place of business at 3871

Lakefield Drive, Suwanee, GA 30024. Arris is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '441 patent.

4. Cisco is a California corporation with its principal place of business at 170 West Tasman Drive, San Jose, CA 95134. Cisco is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '441 patent.

5. CradlePoint is a Delaware corporation with its principal place of business at 805 W. Franklin Street, Boise, ID 83702. CradlePoint is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '441 patent.

6. Sierra Wireless is a Delaware corporation with its principal place of business at 13811 Wireless Way, Richmond, British Columbia V6V 3A4, Canada. Sierra Wireless is engaged in the manufacture, sale, and/or importation in the United States of electronic components and systems that infringe the '441 patent.

Jurisdiction and Venue

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States.

8. This Court has personal jurisdiction over Defendants because the Defendants have established minimum contacts with the forum state Delaware. Defendants, directly and/or through third party manufacturers, manufacture or assemble products that are and have been offered for sale, sold, purchased, and used within the state of Delaware. In addition, Defendants, directly and/or through their distribution networks, regularly place their products within the

stream of commerce, with the knowledge and/or understanding that such products will be sold in Delaware. Finally, each of the following Defendants is a Delaware corporation: Arris, CradlePoint, and Sierra Wireless. Thus, Defendants have purposefully availed themselves of the benefits of the state of Delaware and the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

9. Defendants transact business in the state of Delaware because, among other things, Defendants manufacture and distribute products that are offered for sale, sold, purchased, and used within the state of Delaware. Defendants have also committed tortious acts of patent infringement in Delaware and are subject to personal jurisdiction in Delaware. Venue is thus proper in this district pursuant to 28 U.S.C. §§ 1391(b), (c), (d) and 1400 (b).

Cause of Action

10. Paragraphs 1 through 9 are incorporated by reference as if fully stated herein.

11. The '441 Patent was duly and legally issued on July 1, 2003 by the United States Patent and Trademark Office. A copy of the '441 Patent is attached hereto as Exhibit A.

12. Among other things, the '441 Patent claims a means and method for reliable real time transmission between multiple host system remote terminals and host server terminals.

13. The '441 Patent is valid and enforceable.

14. Mayfair is the exclusive and current owner of all rights, title, and interest in the '441 Patent, including the right to bring this suit for injunctive relief and damages.

15. In violation of 35 U.S.C. § 271, Arris has been infringing and continues to infringe one or more claims of the '441 Patent through at least the acts of making, using, selling, offering for sale and/or importing infringing products or systems. Arris's infringing products include, without limitation, the Arris BelAir 200.

16. In violation of 35 U.S.C. § 271, Cisco has been infringing and continues to infringe one or more claims of the '441 Patent through at least the acts of making, using, selling, offering for sale and/or importing infringing products or systems. Cisco's infringing products include, without limitation, the Cisco 3200 Series Wireless and Mobile Router.

17. In violation of 35 U.S.C. § 271, CradlePoint has been infringing and continues to infringe one or more claims of the '441 Patent through at least the acts of making, using, selling, offering for sale and/or importing infringing products or systems. CradlePoint's infringing products include, without limitation, the CradlePoint MBR1000.

18. In violation of 35 U.S.C. § 271, Sierra Wireless has been infringing and continues to infringe one or more claims of the '441 Patent through at least the acts of making, using, selling, offering for sale and/or importing infringing products or systems. Sierra Wireless's infringing products include, without limitation, the AirCard W801 Mobile Hotspot.

19. Defendants' infringement of the '441 Patent is exceptional and entitles Mayfair to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

Prayer for Relief

Wherefore Mayfair prays:

- a. That this Court enter judgment that Defendants have infringed United States Patent No. 6,587,441;
- b. That Mayfair be awarded all damages adequate to compensate it for Defendants' infringement of the '441 patent, such damages to be determined by a jury, and if necessary to adequately compensate Mayfair for the infringement, an accounting;
- c. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that Mayfair be awarded attorneys' fees, costs, and expenses incurred in connection with

this action; and

- d. That Mayfair be awarded such other and further relief as this Court deems just and proper.

Jury Demand

Plaintiff hereby demands a trial by jury of any issue triable by right by a jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: December 15, 2010

/s/ Richard K. Herrmann

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