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10 **IN THE UNITED STATES DISTRICT**  
11 **COURT FOR THE DISTRICT OF ARIZONA**

12 **COMTECH EF DATA CORPORATION, a**  
13 **Delaware corporation;**

14 Plaintiff,

15 vs.

16 **RADYNE CORPORATION, a Delaware**  
17 **corporation**

18 Defendant.

19 **CASE NO. \_\_\_\_\_**

20 **COMPLAINT AND JURY DEMAND**

21 Plaintiff, Comtech EF Data Corporation (“Comtech”), brings this complaint for patent  
22 infringement against defendant, Radyne Corporation (“Radyne”), and alleges as follows.

23 **PARTIES**

24 1. Plaintiff Comtech is a corporation incorporated under the laws of the State of  
25 Delaware, having a place of business at 2114 West 7<sup>th</sup> Street, Tempe, Arizona 85281.

26 2. Upon information and belief, Radyne is a corporation organized under the laws of  
27 the State of Delaware, having its principal place of business at 3138 East Elwood Street,  
28 Phoenix, Arizona. Radyne’s business includes the design, manufacture, installation and sale of  
products, systems, and software used for the transmission and reception of data over satellite  
and communications networks. Among the products that Radyne manufactures in Arizona are

1 frequency converters.

2 **JURISDICTION AND VENUE**

3 3. This action is for patent infringement under 35 U.S.C. § 271. This Court has  
4 subject matter jurisdiction under 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patent  
5 Infringement).

6 4. Venue in this district is proper under 28 U.S.C. §§ 1391(b).

7 **GENERAL ALLEGATIONS**

8 5. Prior to April 10, 1995, Robert McCollum and Phillip Wayne Blackwell (“the  
9 inventors”) conceived, invented or discovered a new and useful radio frequency converter  
10 system (hereinafter “the RF Converter Invention”). On April 6, 1995, the inventors assigned  
11 the RF Converter Invention to Comtech Communications Corporation, and on April 10, 1995,  
12 the inventors filed a United States Patent Application on the RF Converter Invention.

13 6. On September 9, 1997, United States Patent 5,666,646 (“the ‘646 Patent”) duly  
14 and legally issued from the United States Patent and Trademark Office to the assignee Comtech  
15 Communications Corporation. The ‘646 Patent is presumed valid under 35 U.S.C. § 282. A  
16 copy of the ‘646 Patent is attached as Exhibit A and incorporated by reference.

17 7. In or about July 2000, Comtech Communications Corporation assigned its entire  
18 rights and interests in the ‘646 Patent to plaintiff Comtech.

19 8. Upon information and belief, Radyne has engaged in the manufacture, use, and  
20 offer for sale, in the United States and specifically in this judicial district of radio frequency  
21 converters that are covered by claims of the ‘646 Patent, including but not limited to  
22 SFC6400A and SFC1450A Synthesized Frequency Upconverters with Chain Switching and  
23 SFC4200A and SFC1275A Synthesized Frequency Downconverters with Chain Switching (“the  
24 accused products”).

**COUNT I.**

**(PATENT INFRINGEMENT)**

1  
2  
3 9. Comtech incorporates by this reference the allegations in paragraphs 1-8, above.

4  
5 10. Upon information and belief, Radyne has infringed, induced infringement of  
6 and/or has contributorily infringed the '646 Patent, and is still doing so by making, selling,  
7 offering for sale, and using the accused products, and will continue to do so unless enjoined by  
8 this Court.

9  
10 11. On information and belief, Radyne had actual knowledge of the '646 Patent prior  
11 to engaging in its infringing activity. Radyne's infringement of the '646 Patent is willful and  
12 deliberate.

13 12. Comtech has been and continues to be damaged by the infringement.

14 13. Comtech has and continues to incur irreparable harm that can only be fully  
15 redressed by injunctive relief pursuant to 35 U.S.C. §283.

16  
17 14. Comtech is entitled to treble damages, attorneys fees and costs pursuant to 35  
18 U.S.C. §§284 and 285.

19 **RELIEF**

20 WHEREFORE, Comtech prays for:

21 A. A finding by this Court that Radyne has infringed the '646 Patent.

22 B. An injunction under 35 U.S.C. § 283 preliminarily and permanently enjoining and  
23 restraining Radyne, its officers, managers, members, agents, parents, subsidiaries, principals,  
24 successors in interest, and those acting in concert with it from directly or indirectly infringing,  
25 inducing, or contributing to the infringement of the '646 Patent.

26 C. An order requiring Radyne to account to Comtech for all the gains, profits and  
27 advantages realized from its infringement and unlawful use of the '646 Patent.

28 D. An award to Comtech of damages adequate to compensate for the infringement of

1 Radyne, including lost profits of Comtech, but in no event less than a reasonable royalty under  
2 35 U.S.C. § 284.

3 E. An award of treble damages for the willful infringement of the '646 Patent  
4 pursuant to 35 U.S.C. § 284.

5 F. An award of attorney fees, costs, and expenses incurred in connection with this  
6 action pursuant to 35 U.S.C. § 285.

7 G. An award of prejudgment and post-judgment interest.

8 H. Such other and further relief as the Court deems equitable and appropriate.

9 **JURY DEMAND**

10 Plaintiff hereby requests a jury trial.

11 DATED this 21st day of April, 2006.

12 **SANDERS & PARKS**

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