

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CRESTRON ELECTRONICS, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action File No. _____
)	
RGB SYSTEMS, INC. (d/b/a "EXTRON"))	
)	<u>JURY TRIAL DEMANDED</u>
)	
Defendant,)	
)	
-----)	

COMPLAINT

CRESTRON ELECTRONICS, INC. ("CRESTRON"), hereby files this Complaint for patent infringement and request for injunctive relief and monetary damages against Defendant RGB SYSTEMS, INC., ("RGB SYSTEMS") (doing business as "EXTRON"), and in support thereof states as follows:

PARTIES

1. Plaintiff CRESTRON is a New Jersey Corporation having its principal place of business at 15 Volvo Drive, Rockleigh, New Jersey 07647-2507. CRESTRON maintains an office and conducts business within this judicial district at 1200 Lakeside Parkway, Suite 250, Flower Mound, Texas 75028.

2. Defendant RGB SYSTEMS (doing business as EXTRON) is a California Corporation having its principal place of business at 1230 S. Lewis Street Anaheim California 92805-6428. Upon information and belief Defendant RGB Systems maintains an office (d/b/a Extron International Inc.) at 1810 N Glenville Drive # 122, Richardson,

Texas, 75081, from which it conducts business in this State and within this judicial district.

JURISDICTION AND VENUE

3. This is action for patent infringement raised under the patent laws of the United States, 35 U.S.C. §101 *et seq.*

4. This Court has subject matter jurisdiction in the instant action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).

5. Defendant RGB SYSTEMS (d/b/a/ Extron) is subject to personal jurisdiction in this district by virtue of, among other things, doing business and committing acts of infringement in the State of Texas and in this judicial district, through agents and representatives and/or otherwise having substantial contacts with the State of Texas and in this judicial district.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§1391 and 1400(b).

FACTS GIVING RISE TO THIS ACTION

Patents-in-Suit

7. On May 27, 2008, United States Patent No. D569,863, entitled "TABLETOP MEDIA CENTER" (the "'863 Patent"), was duly and legally issued by the United States Patent and Trademark Office (the "PTO"). A copy of the '863 Patent is attached hereto as Exhibit "A".

8. CRESTRON is the assignee of the '863 Patent (the "Patent-in-Suit").

Defendant's Acts of Infringement

9. RGB SYSTEMS (d/b/a EXTRON) makes, uses, offers to sell, and/or imports tabletop media centers.

10. These tabletop media center products and systems include without limitation those marketed by RGB SYSTEMS (d/b/a EXTRON) under its TouchLink mark, including, but not limited to, model TLP 350CV.

11. RGB SYSTEMS has infringed, contributed to the infringement of, and/or induced the infringement of the '863 Patent through actions undertaken in connection with tabletop media centers.

COUNT I

Infringement of the '863 Patent

12. Plaintiff repeats and incorporates by reference the allegations in paragraphs 1 through 11 as if set forth fully verbatim herein.

13. Defendant is infringing the '863 Patent by making, selling, offering for sale, using, and/or importing products that consist of and/or incorporate infringing tabletop media centers, including, but not limited to, model TLP 350CV, within this State and within this judicial district. By its acts, RGB SYSTEMS is also inducing others to infringe the '863 patent and contributing to the infringement by others of the '863 patent.

14. Defendant's infringing systems are being manufactured, sold, offered for sale, used, and/or imported without permission without permission or license from Plaintiff, and Defendant will continue such infringement unless enjoined by this Court.

15. As a direct and proximate result of Defendant's infringement of the '863 Patent, Plaintiff has suffered and will continue to suffer damages.

16. Plaintiff has no adequate remedy at law and will be irreparably injured unless Defendant's acts of infringement are enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief against Defendant:

- A. A judgment that Defendant has infringed, actively induced infringement of, and/or contributorily infringed the '863 Patent, as set forth herein;
- B. An award of all damages recoverable under the United States Patent Laws, in an amount to be proven at trial;
- C. A preliminary, and thereafter permanent, injunction enjoining and restraining Defendant and its respective officers, directors, agents, servants, employees, attorneys, and all others acting under, by or through them, from directly infringing, contributorily infringing, and inducing the infringement of the '863 Patent., as set forth herein.
- D. A judgment and order requiring Defendant to pay Plaintiff's prejudgment and post-judgment interest on the damages awarded;
- E. A judgment requiring Defendant to pay the costs of this action (including all disbursements) and attorney's fees as provided by 35 U.S.C. §285, with prejudgment interest; and
- F. Such other and further relief as this Court may deem just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands that all issues so triable be determined by a jury.

Dated: July 2, 2009

Respectfully submitted,

/s/ Harry L. Gillam Jr.

Harry L. Gillam, Jr.

State Bar No. 07921800

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Respectfully submitted, this 22nd day of June, 2009.

[Insert Gil Gilliam Signature block]

Exhibit A

United States Patent D569,863