

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN MEZZALINGUA ASSOCIATES, INC.,
D/B/A PPC, INC.,

Plaintiff,

v.

ASKA COMMUNICATION CORP.,

Defendants.

Civil Action No. _____

COMPLAINT

Plaintiff John Mezzalingua Associates, Inc., which conducts business in the telecommunications industry as PPC ("PPC"), through its undersigned attorneys, hereby states its Complaint against Defendants Aska Communication Corp. ("Aska") as follows:

NATURE OF THIS ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

PARTIES

2. Plaintiff John Mezzalingua Associates, Inc. is a Delaware Corporation with its principal place of business at 6176 E. Molloy Road, East Syracuse, New York 13057.

3. Upon information and belief, Defendant Aska Communication Corp. is a company organized and existing under the laws of the State of Florida with its principal place of business at 2911 Center Port Circle, Pompano Beach, FL 33064.

JURISDICTION AND VENUE

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

5. Aska has committed acts of infringement in this District in that Aska has sold products in this District which infringe at least one PPC patent, including but not limited to U.S. Patent No. 6,558,194.

6. Venue is proper in this District under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b) because Aska is subject to personal jurisdiction in this District.

THE PPC PATENTS-IN-SUIT

7. On May 6, 2003, the U.S. Patent and Trademark Office issued U.S. Patent No. 6,558,194 ("the '194 Patent"), entitled "Connector and Method of Operation," to PPC. A true and correct copy of the '194 Patent is attached as Exhibit A.

8. On February 1, 2005, the U.S. Patent and Trademark Office issued U.S. Patent No. 6,848,940 ("the '940 Patent"), entitled "Connector and Method of Operation," to PPC. A true and correct copy of the '940 Patent is attached as Exhibit B. (Collectively, the '194 Patent and the '940 Patent are hereinafter referred to as "the PPC Patents.")

9. PPC is the lawful owner of all rights, titles, and interests in the PPC Patents, including the right to sue for patent infringement.

10. PPC has placed the required statutory notice under 35 U.S.C. § 287 on all or substantially all products manufactured and sold by or for PPC under the PPC Patents after issuance thereof.

COUNT 1

(PATENT INFRINGEMENT OF U.S. PATENT NO. 6,558,194)

11. PPC repeats and realleges the allegations contained in Paragraphs 1 through 10 above as if fully set forth herein.

12. Aska has infringed at least one claim of the '194 Patent by at least selling, offering to sell, and/or importing into the United States connectors that are covered by at least one claim of the '194 Patent without authority or license from PPC. The infringing connectors include, but are not limited to, Aska's FPL series of F-type connectors.

13. Upon information and belief, Aska has actively induced and/or contributed to the infringement of at least one claim of the '194 Patent by encouraging, aiding, and/or assisting third parties in at least making and importing into the United States connectors that are covered by at least one claim of the '194 Patent without authority or license from PPC. The infringing connectors include, but are not limited to, Aska's FPL series of F-type connectors.

14. Aska's infringement of the '194 Patent was deliberate and willful.

15. PPC has been damaged by Aska's infringement of the '194 Patent.

COUNT 2

(PATENT INFRINGEMENT OF U.S. PATENT NO. 6,848,940)

16. PPC repeats and realleges the allegations contained in Paragraphs 1 through 15 above as if fully set forth herein.

17. Aska has infringed at least one claim of the '940 Patent by at least selling, offering to sell, and/or importing into the United States connectors that are covered by at least one claim of the '940 Patent without authority or license from PPC. The infringing connectors include, but are not limited to, Aska's FPL series of F-type connectors, BNC connectors, and RCA connectors.

18. Upon information and belief, Aska has actively induced and/or contributed to the infringement of at least one claim of the '940 Patent by encouraging, aiding, and/or assisting third parties in at least making and importing into the United States connectors that are covered by at least one claim of the '940 Patent without authority or license from PPC. The infringing products include, but are not limited to, Aska's FPL series of F-type connectors, BNC connectors, and RCA connectors.

19. Aska's infringement of the '940 Patent was deliberate and willful.
20. PPC has been damaged by Aska's infringement of the '940 Patent.

PRAYER FOR RELIEF

WHEREFORE, PPC respectfully requests that this Court enter judgment against Aska, granting PPC the following relief:

- A. a declaration and entry of judgment that Aska has infringed the PPC Patents;
- B. an accounting of all damages resulting from Aska's infringement of the PPC Patents;
- C. an award of damages adequate to compensate PPC for Aska's infringement of the PPC Patents;
- D. a determination that Aska's infringement of the PPC Patents has been willful and deliberate;
- E. an award of treble damages for Aska's willful and deliberate infringement of the PPC Patents;
- F. an award of interest on the amount of damages found, including pre-judgment and post-judgment interest;
- G. an injunction against future infringement by Aska, its officer, agents, servants, employees, and all those in concert or participation with Aska who receive actual notice, from engaging in acts of infringement of the PPC Patents, in accordance with 35 U.S.C. § 283;
- H. a determination that this is an exceptional case pursuant to 35 U.S.C. § 285, thereby entitling PPC to an award of its costs, expenses, and attorneys' fees incurred prosecuting this action; and

I. such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

PPC demands a trial by jury of all issues so triable.

Date: November 4, 2008

s/ James R. Muldoon

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