

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

**CHALUMEAU POWER
SYSTEMS, LLC,**

Plaintiff,

v.

**ALLIED TELESIS, INC., and ALLIED
TELESIS HOLDINGS K.K.,**

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Plaintiff, Chalumeau Power Systems, LLC (“Chalumeau” or “Plaintiff”), complains against Defendants, Allied Telesis, Inc. and Allied Telesis Holdings K.K. (collectively, “Allied” or “Defendants”), as follows:

THE PARTIES

1. Plaintiff, Chalumeau Power Systems, LLC, is a Delaware limited liability company, having an address in Newport Beach, California 92660.

2. On information and belief, Defendant Allied Telesis Holdings K.K. is a Japanese corporation, with its principal place of business at 2nd. TOC Building, 7-21-11 Nishi-Gotanda, Shinagawa-ku, Tokyo 141-0031, Japan. Defendant Allied Telesis, Inc. is a corporation organized under the laws of the State of Delaware with its principal place of business at 19800 North Creek Parkway, Suite 100, Bothell, Washington 98011. Defendant Allied Telesis, Inc. may be served with process by serving their registered agent, The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant Allied Telesis, Inc. because it was incorporated in Delaware and has purposely availed itself of the privileges and benefits of the laws of the State of Delaware. Additionally, on information and belief, this Court has personal jurisdiction over Defendants because they have committed, aided, abetted, contributed to, and/or participated in the commission of acts giving rise to this action within this judicial district and have established minimum contacts within the forum such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice. On information and belief, Defendants have sold, advertised, solicited customers, marketed and/or distributed their infringing products in this judicial district and have designed, made, or had made, on their behalf, and placed their infringing products into the stream of commerce with the reasonable expectation and/or knowledge that actual or potential ultimate purchasers and users for such products were located within this judicial district.

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

JOINDER

6. Joinder is proper under 35 U.S.C. § 299. The allegations of patent infringement contained herein arise out of the same series of transactions or occurrences relating to the making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, of the same accused devices employing Power over Ethernet technology, including, but not limited to, Allied's 8600 Series Fast Ethernet Layer 3 Power over Ethernet switches.

7. Common questions of fact relating to Defendants' infringement will arise in this action.

INFRINGEMENT OF U.S. PATENT NO. 5,991,885

8. Plaintiff, Chalumeau, is the owner by assignment of United States Patent No. 5,991,885 ("the '885 patent"), entitled "Method and Apparatus for Detecting the Presence of a Remote Device and Providing Power Thereto," and owns all rights to sue, and collect damages, including past damages, for infringement of the '885 patent. A true and correct copy of the '885 patent, which was duly and legally issued by the United States Patent and Trademark Office on November 23, 1999, is attached hereto as Exhibit A.

9. On information and belief, Defendants have been and are directly infringing the '885 patent in this judicial district, and elsewhere in the United States. Defendants' direct infringements include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, devices using Power over Ethernet technology, including, but not limited to, Allied's 8600 Series Fast Ethernet Layer 3 Power over Ethernet switches. Defendants are thus liable for infringement of the '885 patent pursuant to 35 U.S.C. § 271(a).

10. On information and belief, Defendants have knowledge of the '885 patent and have been and are, in this judicial district and elsewhere in the United States, actively inducing infringement of the '885 patent. Defendants' inducements include, without limitation and with specific intent to encourage the infringement, knowingly inducing others to use, offer for sale, and/or sell within the United States, and/or import into the United States, devices using Power over Ethernet technology, including, but not limited to, Allied's 8600 Series Fast Ethernet Layer 3 Power over Ethernet switches, which Defendants know infringe one or more claims of the '885

patent. Defendants are thus liable for infringement of the '885 patent pursuant to 35 U.S.C. § 271(b).

11. On information and belief, Defendants have knowledge of the '885 patent and have been and are, in this judicial district and elsewhere in the United States, actively contributing to the infringement of the '885 patent. Defendants' contributions include, without limitation, making, using, offering to sell and/or selling within the United States, and/or importing into the United States, one or more components, including at least Allied's 8600 Series Fast Ethernet Layer 3 Power over Ethernet switches, which constitute a material part of the invention recited in one or more claims of the '885 patent, knowing Allied's 8600 Series Fast Ethernet Layer 3 Power over Ethernet switches to be especially made or especially adapted for use in an infringement of the '885 Patent, and not staple articles or commodities of commerce suitable for substantial non-infringing use. Defendants are thus liable for infringement of the '885 Patent pursuant to 35 U.S.C. § 271(c).

12. At a minimum, Defendants have knowledge of their infringement of the '885 patent through the filing and service of this Complaint and continue to infringe the '885 patent.

13. Defendants have profited through the infringement of the '885 patent. As a result of Defendants' unlawful infringement of the '885 patent, Plaintiff has suffered and will continue to suffer damage. Plaintiff is entitled to recover from Defendants damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

14. On information and belief, Defendants' infringement of one or more claims of the '885 patent is and has been willful and deliberate, making this an exceptional case and entitling Plaintiff to enhanced damages, reasonable attorney fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment and seeks the following relief:

- (a) For judgment in favor of Plaintiff that Defendants have directly infringed, induced others to infringe, and/or contributed to others' infringement of the '885 patent;
- (b) For judgment and an order requiring Defendants to pay Plaintiff its damages, costs, expenses, prejudgment and post-judgment interest, and post-judgment royalties for Defendants' infringement of the '885 patent, as provided under 35 U.S.C. § 284;
- (c) For judgment that Defendants have willfully infringed the '885 patent and enhancement of Plaintiff's damages by reason of the nature of Defendants' infringement;
- (d) For judgment and an order that this case is exceptional under 35 U.S.C. § 285 and requiring Defendants to pay Plaintiff's reasonable attorneys' fees; and
- (e) For such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all issues and claims so triable.

DATED: November 29, 2011

Respectfully submitted,

FARNAN LLP

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