

## PLAINTIFF'S SECOND AMENDED COMPLAINT

COMES NOW, SercoNet, Ltd. by and through its undersigned counsel and files this Second Amended Complaint as follows:

- 27. Plaintiff, SercoNet, Ltd. ("SercoNet"), hereby incorporates by reference paragraphs 1-26 of its original complaint and first amended, and amends those filings as follows: SercoNet withdraws all allegations regarding U.S. Patent Nos. 6,970,530.
- 28. Defendant Netgear, Inc. ("Netgear") is a corporate entity organized under the laws of the State of Delaware. Netgear has its principal place of business in Santa Clara, California and can be served with the summons and complaint by service upon its registered agent, CT Corporation System, 818 West Seventh Street, Los Angeles, California 90017. Netgear advertises, promotes, markets, sells and offers for sale home networking devices, including the devices accused of patent infringement herein, to consumers in the State of New York, including this judicial district. Netgear also advertises, promotes, markets, sells and offers for sale modems, ProSafe ports, Ethernet bridges and switches, and routers, including the devices

accused of patent infringement herein, to resellers and distributors for purposes of resale to consumers in the State of New York, including this judicial district. Netgear knows or has reason to know that some of the customers who purchase and ultimately use the devices accused of patent infringement in this case reside in this judicial district.

- 29. This Court has personal jurisdiction over Netgear because, among other things, Netgear has engaged in the specific transaction of business in the State of New York, including advertising, promoting, selling and offering for sale products that infringe the patent-in-suit as described more particularly herein. Moreover, Netgear generally conducts business in New York so as to render it amenable to general jurisdiction. Because Netgear avails itself of the privilege of doing business in New York, the exercise of personal jurisdiction over Netgear is fair and reasonable. Venue is proper in this this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and §1400(b).
- 30. Netgear infringes one or more claims of the '530, '510, '360 and 7,016,368 patents in suit literally or under the Doctrine of Equivalents by manufacturing, advertising, promoting, selling, offering for sale and distributing products that infringe at least one claim of the above-referenced patents in suit.
- 31. SercoNet has been damaged as a result of the Netgear's acts of patent infringement, and will continue to be damaged unless such activities are enjoined by this Court.
- 32. As a result of these acts of patent infringement, SercoNet is entitled to recover damages from the Defendant, amounting to at least a reasonable royalty.

## PRAYER FOR RELIEF

WHEREFORE, SercoNet prays for trial by jury, judgment and relief after entry of final verdict, including:

- 1. A judgment that Netgear has infringed at least one claim of the patents additional patents.
- 2. An injunction against Netgear's continued infringement of the additional patents pursuant to 35 U.S.C. § 283.
- 3. An award of damages resulting from Netgear's acts of patent infringement.
- 4. An assessment of interest on the damages so computed.
- 5. Such other and further relief as this Court deems just and appropriate.

Respectfully submitted, Dated: April 26<sup>th</sup>, 2006

PAUL A. BATISTA, P.C.

By: /s/ Paul A. Batista
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## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

SERCONET, LTD., *\$* \$\tau\$ \$\tau Plaintiff CIVIL ACTION FILE v. NO. 06CV00013 MERLOT COMMUNICATIONS, INC.; KOOLCONNECT TECHNOLOGIES, INC., BLACKSTONE REAL ESTATE ADVISORS, d/b/a RIHGA ROYAL HOTEL, HOTEL PLAZA ATHENEE, and HIGH HOTELS, LTD, D/B/A COURTYARD BY MARRIOTT MIDDLETOWN, Defendants. **CERTIFICATE OF SERVICE** 

I hereby certify that I have served opposing counsel with a copy of the above Amended Complaint via first class U.S. Mail and electronic mail, addressed appropriately to the following attorneys:

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This 26<sup>th</sup> day of April, 2006.

/s/ Paul A. Batista
Paul A. Batista