

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

COMMONWEALTH RESEARCH GROUP,
LLC.

Plaintiff,

v.

PD-LD, INC.

Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT AND JURY DEMAND**

Plaintiff Commonwealth Research Group, LLC (“CRG”), for its Complaint against PD-LD, Inc., hereby alleges as follows:

Nature of the Case

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting from Defendant’s unauthorized manufacture, use, sale, offer to sell, and/or importation into the United States for subsequent use or sale of products and/or systems that infringe one or more claims of United States Patent No. 6,021,238 entitled “Optoelectronic Module for Bidirectional Optical Data Transmission,” (“the ‘238 Patent”).

Parties

2. CRG is a Virginia corporation that owns the ‘238 Patent.
3. PD-LD, Inc. is a New Jersey corporation with its principal place of business at 30-B Pennington-Hopewell Rd., Pennington, NJ 08534. PD-LD, Inc. is engaged in the manufacture, sale, and/or importation in the United States of electronic Ethernet components and systems that

infringe the '238 Patent.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States.

5. This Court has personal jurisdiction over PD-LD, Inc. because PD-LD, Inc. is a New Jersey corporation and directly and/or through third party manufacturers, manufactures or assembles products that are and have been offered for sale, sold, purchased, and used within New Jersey that infringe the '238 patent.

6. PD-LD, Inc. has also committed tortious acts of patent infringement in New Jersey and is subject to personal jurisdiction in New Jersey. Venue is thus proper in this district pursuant to 28 U.S.C. §§ 1391(b), (c), (d) and 1400 (b).

Cause of Action

7. Paragraphs 1 through 6 are incorporated by reference as if fully stated herein.

8. The '238 Patent was duly and legally issued on February 1, 2000 by the United States Patent and Trademark Office. A copy of the '238 Patent is attached hereto as Exhibit A.

9. Among other things, the '238 Patent claims a Small Form-Factor Pluggable (SFP) module that facilitates fast Ethernet data transmission. For example, the claimed apparatus utilizes a radiation transmitting component, a receiving component, and a beam-splitter device to facilitate bidirectional optical data transmission through a single optical fiber.

10. The '238 Patent is valid and enforceable.

11. CRG is the exclusive and current owner of all rights, title, and interest, in the '238 Patent, including the right to bring this suit for injunctive relief and damages.

12. In violation of 35 U.S.C. § 271, PD-LD, Inc. has been infringing and continues to infringe one or more claims of the '238 Patent through at least the acts of making, using, selling, offering for sale and/or importing infringing products or systems. PD-LD, Inc.'s infringing products include, without limitation, it's SFP Bi-Directional Transceivers, including, but not limited to, the 1.25Gbps 1550nm/1310nm Bi-directional SFP Transceiver.

13. PD-LD, Inc.'s infringement of the '238 patent is exceptional and entitles CRG to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

Prayer for Relief

WHEREFORE it is respectfully requested that the Court find as follows:

- a. That this Court enter judgment that Defendant has infringed United States Patent No. 6,021,238;
- b. That CRG be awarded all damages adequate to compensate it for Defendant's infringement of the '238 patent, such damages to be determined by a jury, and if necessary to adequately compensate CRG for the infringement, an accounting;
- c. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that CRG be awarded attorneys' fees, costs, and expenses incurred in connection with this action; and
- d. That CRG be awarded such other and further relief as this Court deems just and proper.

Jury Demand

Plaintiff hereby demands a trial by jury of any issue triable by right by a jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: October 12, 2012

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