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ATTORNEYS FOR PLAINTIFF GPNE CORP.

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

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<p>GPNE CORP.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>BARNES & NOBLE, INC.,</p> <p style="text-align: center;">Defendant.</p>		<p style="text-align: center;">No. 4:12-CV-02884-LHK</p> <p style="text-align: center;">JURY TRIAL DEMANDED</p>
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FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Pursuant to the Court’s Case Management Order (Dkt. No. 36), Plaintiff GPNE Corp. submits this First Amended Complaint as follows:

PARTIES

1. Plaintiff GPNE is a corporation organized and existing under the laws of the state of Delaware with its principal place of business in Honolulu, Hawai‘i.

2. Defendant Barnes & Noble, Inc. (“B&N” or “Defendant”) is a corporation organized and existing under the laws of the state of Delaware with its principal place of business in New York, New York. B&N has been served with process and has appeared.

3. On information and belief, this Court has personal jurisdiction over B&N because B&N has committed, and continues to commit, acts of infringement in this judicial district, has conducted business in this judicial district and/or has engaged in continuous and systematic activities in this judicial district. B&N’s e-reader products are sold and offered for sale throughout this judicial district.

JURISDICTION AND VENUE

4. 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).

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant is deemed to reside in this judicial district, has

1 committed acts of infringement in this judicial district, has purposely transacted business in this
2 judicial district and/or has regular and established places of business in this judicial district.

3 6. Defendant is subject to this Court's specific and general personal jurisdiction
4 pursuant to due process and/or the California Long Arm Statute, due at least to its substantial
5 business in this State and judicial district, including: (A) at least part of its infringing activities
6 alleged herein; and (B) regularly doing or soliciting business and, accordingly, deriving
7 substantial revenue from goods and services provided to California residents.

8 **FACTUAL BACKGROUND AND ALLEGATIONS**

9 7. On June 30, 2009, United States Patent No. 7,555,267 ("the '267 patent") was
10 duly and legally issued for a "Network Communication System Wherein A Node Obtains
11 Resources For Transmitting Data By Transmitting Two Reservation Requests." A true and
12 correct copy of the '267 patent is attached hereto as Exhibit "A."

13 8. The '267 patent is valid, enforceable and was duly issued in full compliance with
14 Title 35 of the United States Code.

15 9. On August 4, 2009, United States Patent No. 7,570,954 ("the '954 patent") was
16 duly and legally issued for a "Communication System Wherein A Clocking Signal From A
17 Controller, A Request From A Node, Acknowledgement Of The Request, And Data Transferred
18 From The Node Are All Provided On Different Frequencies, Enabling Simultaneous
19 Transmission Of These Signals." A true and correct copy of the '954 patent is attached hereto as
20 Exhibit "B."

21 10. The '954 patent is valid, enforceable and was duly issued in full compliance with
22 Title 35 of the United States Code.

23 11. On September 7, 2010, United States Patent No. 7,792,492 ("the '492 patent")
24 was duly and legally issued for a "Network Communication System With An Alignment Signal
25 To Allow A Controller To Provide Messages To Nodes And Transmission Of The Messages
26 Over Four Independent Frequencies." A true and correct copy of the '492 patent is attached
27 hereto as Exhibit "C."
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PRAYER FOR RELIEF

GPNE requests that the Court find in its favor and against Defendant, and that the Court grant GPNE the following relief:

A. Judgment that one or more claims of the ‘267, ‘954, and/or ‘492 patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

B. Judgment that Defendant account for and pay to GPNE all damages to and costs incurred by GPNE, including attorneys’ fees, because of Defendant’s infringing activities and other conduct complained of herein;

C. Judgment that Defendant account for and pay to GPNE a reasonable, on-going, post judgment royalty because of Defendant’s infringing activities and other conduct complained of herein;

D. That GPNE be granted pre-judgment and post-judgment interest on the damages caused by Defendant’s infringing activities and other conduct complained of herein; and

E. That GPNE be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: October 24, 2012

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2012, I electronically submitted the foregoing FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT using the electronic case files system of the court. The electronic case files system sent a “Notice of Electronic Filing” to individuals who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Randall Garteiser
Randall T. Garteiser