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16 Attorneys for Plaintiff, ALIPHCOM

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19 ALIPHCOM, a Delaware corporation

20 Plaintiff,

21 vs.

22 GENERAL ELECTRIC CO., a New York
23 corporation, and CIF LICENSING, LLC d/b/a
24 GE LICENSING, a Delaware limited liability
25 company,

26 Defendants.

CASE NO. _____

**CORRECTED COMPLAINT FOR
DECLARATORY JUDGMENT OF
INVALIDITY OF U.S. PATENT NOS.
5,682,160**

DEMAND FOR JURY TRIAL

27 Plaintiff Aliphcom (“Aliph”), by and through its undersigned counsel, seeks a declaration
28 that the claims of United States Patent No. 5,682,160 are invalid as follows:

NATURE OF THE ACTION

1. This is an action for a declaratory judgment of patent invalidity arising
under the patent laws of the United States, Title 35 of the United States Code.

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THE PARTIES

2. Plaintiff Aliph is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 99 Rhode Island Street, San Francisco, CA 94103.

3. On information and belief, Defendant General Electric Company is a New York Corporation with a principal place of business at 3135 Easton Turnpike, Fairfield, Connecticut 06828-0001.

4. On information and belief, Defendant CIF Licensing, LLC d/b/a GE Licensing ("GE Licensing") is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business in Princeton, New Jersey 08540.

5. On information and belief, Defendant General Electric Company holds a controlling interest of greater than 90% of GE Licensing. (Defendants are referred to herein collectively as "GE")

JURISDICTIONAL STATEMENT

6. This action arises under the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*, and under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*

7. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201(a) and 2202.

8. This Court has personal jurisdiction over Defendants on account of GE's ongoing and regular contacts with this District.

9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(c).

10. An immediate, real, and justiciable controversy exists between Aliph and GE as to whether the claims of United States Patent No. 5,682,160 (the "160 patent") (the "Patent-in-Suit") are valid.

INTRADISTRICT ASSIGNMENT

11. For purposes of intradistrict assignment pursuant to Civil Local Rules 3-2(c) and 3-5(b), this Intellectual Property Action is to be assigned on a district-wide basis.

FACTUAL BACKGROUND

