

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HellermannTyton Data Limited,

Plaintiff,

v.

Case No.

Tyco Electronics Corporation,

Defendant.

COMPLAINT

Plaintiff HellermannTyton Data, Limited (“HT Data”) by its attorneys Ryan Kromholz and Manion, S.C., by Joseph A. Kromholz and Melissa S. Hockersmith and Staes & Scallan, P.C. by Andrew T. Staes and Stephen D. Scallan, for its complaint against Defendant Tyco Electronics Corporation (“Tyco”) alleges as follows:

The Parties

1. HT Data is a United Kingdom corporation incorporated under the laws of England and Wales. HT Data’s principal place of business is maintained in England. HT Data and its United States subsidiary, HellermannTyton Corporation, regularly conduct business in the United States, including in Illinois. HT Data is in the business of designing, manufacturing, marketing and selling infrastructure solutions including structured cabling products.

2. Tyco is a corporation incorporated under the laws of the state of Pennsylvania. Tyco’s principal place of business is maintained in Berwyn, Pennsylvania. Tyco regularly conducts business within Illinois and maintains a sales office in Naperville, Illinois. Tyco is in the business of designing, manufacturing and marketing electronic components for consumer and industrial production.

Jurisdiction and Venue

3. This action arises under the patent laws of the United States, 35 U.S.C. §271 et seq. and is a complaint for patent infringement. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§1331 and 1338.

4. Tyco has made, used, sold, offered to sell, or caused to be sold infringing structured cabling products throughout the United States, including in this judicial jurisdiction.

5. This Court has personal jurisdiction over Tyco, because the infringing structured cabling products have been offered for sale and sold in this district.

6. Venue in this judicial district is proper pursuant to 28 U.S.C. §1391(b)(1) and (c) and pursuant to 28 U.S.C. §1400(b), because Tyco resides in this district.

7. Venue in this judicial district also is proper pursuant to 28 U.S.C. §1391(b)(2) and 28 U.S.C. §1400(b), because the offer to sell and sale of the infringing structured cabling products occurred in this district.

8. Venue in this judicial district also is proper pursuant 28 U.S.C. § 1391(c)(2), because Tyco is subject to personal jurisdiction in this district.

9. This Court has personal jurisdiction, under 735 Ill. Comp. Stat. 5/2-209, over Tyco because infringing product has been offered for sale and sold in this district.

General Allegations

10. HT Data is the owner of U.S. Patent No. RE43,221 (“the ‘221 patent”, a copy of which is attached as Exhibit 1) entitled “Structured Cabling System and Method.”

11. The ‘221 patent is a reissue of U.S. Patent No. 7,375,282, a copy of which is attached as Exhibit 2.

12. Claim 1 of the ‘221 patent is identical to claim 1 of U.S. Patent No. 7,375,282.

13. Plaintiff HT Data has the sole right to license others to manufacture, import, use, offer to sell and sell products claimed in the ‘221 patent.

14. Tyco is not licensed to manufacture, import, use, offer to sell and sell products claimed in the '221 patent.

15. Tyco sells products under the brand name AMP NETCONNECT. Under the AMP NETCONNECT brand, Tyco sells a product line of structured cabling products it refers to as "Sigma-Link." (Exhibit 3.)

16. The Sigma-Link line includes a group of products identified as "Sigma-Link Cat6 UTP Cable Assemblies" and a group of products identified as "Sigma-Link Cat6A F/UTP Cable Assemblies." (Exhibit 3.)

17. The "Sigma-Link Cat6 UTP Cable Assemblies" includes a configuration with a cassette at each end of a data cable. This configuration bears part numbers including 2111290 for lengths between 7 and 95 feet, 2111291 for lengths between 105 and 195 feet, and 2111292 for lengths between 200 and 295 feet. (Exhibit 3.)

18. Tyco's website includes a link to a PDF of Drawing No. C-2111290, which is an engineering drawing for bundled cable assemblies bearing part numbers including 2111290, 2111291, and 2111292. (Exhibit 4.)

19. "Sigma-Link Cat6A F/UTP Cable Assemblies" includes a configuration with a cassette at each end of a data cable. This configuration bears part numbers including 2111250 for lengths between 7 and 95 feet, 2111251 for lengths between 105 and 195 feet, and 2111252 for lengths between 200 and 295 feet. (Exhibit 3.)

20. Tyco's website includes a link to a PDF of Drawing No. C-2111250, which is an engineering drawing for bundled cable assemblies bearing part numbers including 2111250, 2111251, and 2111252. (Exhibit 5.)

21. Sigma-Link Cable Assemblies bearing part numbers including 2111290, 2111291, 2111292, 2111250, 2111251, and 2111252 are referred to herein as the "Accused Sigma-Link Cable Assemblies." (Exhibit 3.)

22. Tyco advertises its AMP NETCONNECT products, including the Accused Sigma-Link Cable Assemblies on its website www.te.com. A visitor to Tyco's website

searching for AMP NETCONNECT products by the AMP NETCONNECT brand name is directed to an "Enterprise Networks" page. (Exhibit 6.)

23. Tyco's "Enterprise Networks" page allows visitors to "Find an ND&I." Upon information and belief, "ND&I" stands for Networking, Design and Installation Contractors. Tyco's website lists three Networking, Design and Installation Contractors in this judicial district: Advanced Data Technologies at 1075 Shore Road, Naperville, IL 60563; Data Cable Solutions, Inc. at 673 Academy Drive, Northbrook, IL 60062; and Continental Electrical at 815 Commerce Drive, Suite 100, Oakbrook, IL 60523. (Exhibit 7.)

24. Tyco's website further directs visitors to Mouser Electronics (hereinafter "Mouser") to purchase Accused Sigma-Link Cable Assemblies. Tyco's website provides a link to Mouser's website at www.mouser.com. (Exhibit 8.)

25. Mouser advertises and sells the Accused Sigma-Link Cable Assemblies through its website. (Exhibit 9.)

26. Mouser has sold at least one of the Accused Sigma-Link Cable Assemblies in this judicial district. (Exhibit 10.)

27. Exhibits 12-14 show a structured cabling system which is an example of an Accused Sigma-Link Cable Assembly. More particularly, the structured cabling system shown in Exhibits 10-13 is a Sigma-Link Cat6 UTP Cable Assembly with a part number of 2111290-9. The structured cabling system identified in Exhibits 12-14 is sold by Tyco.

28. The structured cabling system identified in Exhibits 11-13 is offered for sale by Tyco.

29. The structured cabling system identified in Exhibits 11-13 is manufactured by Tyco. The structured cabling system of Exhibits 11-13 is an embodiment of the bundled cable assembly shown in Drawing No. C-2111290, attached as Exhibit 4.

30. Drawing No. C-2111290 indicates that CAT 6 cable is used in products bearing part number 2111290-9. CAT 6 cable has 8 wires. (Exhibit 4.)

31. Drawing No. C-2111290 indicates that SL110 jacks are used in products bearing part number 2111290-9. SL110 jacks are RJ45 jacks. (Exhibit 4.)

32. The structured cabling system identified in Exhibit 4 includes a plurality of individual data cables (identified collectively as A), each data cable defining opposite first (identified collectively as B) and second ends (identified collectively as C) and including eight separate wires.

33. The structured cabling system identified in Exhibit 4 is a multiple jack assembly (identified as D).

34. The multiple jack assembly (D) identified in Exhibit 4 contains a plurality of first jacks (identified collectively as E).

35. The structured cabling system identified in Exhibit 4 contains a plurality of second jacks (identified collectively as F).

36. A separate first jack (E) identified in Exhibit 4 is associated with a separate data cable (A), with all eight wires at a first end (B) of each data cable being electrically connected to the same associated first jack (E).

37. A separate second jack (F) identified in Exhibit 4 is associated with a separate data cable (A), with all eight wires at a second end (C) of each data cable being electrically connected to the same associated second jack (F).

38. The structured cabling system identified in Exhibit 4 includes a protective enclosure (identified as G) surrounding the aforesaid plurality of second jacks (F).

39. The structured cabling system identified in Exhibit 4 includes means to mount the multiple jack assembly (D) in a support housing at a desired location.

40. The first jacks (E) identified in Exhibit 4 are RJ45 jacks.

41. Each of the first jacks (E) identified in Exhibits 10-13 is connected to a respective insulation displacement connector (IDC), and all eight wires at a first end (B) of each aforesaid data cable are attached to that respective IDC.

42. Exhibits 14-16 show a structured cabling system which is an example of an Accused Sigma-Link Cable Assembly. More particularly, the structured cabling system shown in Exhibits 12-15 is a Sigma-Link Cat6A F/UTP Cable Assembly with a part number of 2-2111250-5.

43. The structured cabling system identified in Exhibits 14-16 is sold by Tyco.

44. The structured cabling system identified in Exhibits 14-16 is offered for sale by Tyco.

45. The structured cabling system identified in Exhibits 14-16 is manufactured by Tyco.

46. The structured cabling system of Exhibits 14-16 is an embodiment of the bundled cable assembly shown in Drawing No. C-2111250, attached as Exhibit 5.

47. Drawing No. C-2111250 indicates that CAT 6A cable is used in products bearing part number 2111250-5. CAT 6A cable has 8 wires. (Exhibit 5.)

48. Drawing No. C-2111250 indicates that 6S SL jacks are used in products bearing part number 2111250-5. 6S SL jacks are RJ45 jacks. (Exhibit 5.) The structured cabling system identified in Exhibit 5 includes a plurality of individual data cables (identified collectively as A), each data cable defining opposite first (identified collectively as B) and second (identified collectively as C) ends and including eight separate wires.

49. The structured cabling system identified in Exhibit 5 is a multiple jack assembly (identified as D).

50. Jack assembly (D) identified in Exhibit 5 contains a plurality of first jacks (identified collectively as E). The structured cabling system identified in Exhibit 5 contains a plurality of second jacks (identified collectively as F).

51. A separate first jack (E) identified in Exhibit 5 is associated with a separate data cable (A), with all eight wires at a first end of each data cable (B) being electrically connected to the same associated first jack (E).

52. A separate second jack (F) identified in Exhibit 5 is associated with a separate data cable (A), with all eight wires at a second end of each data cable (C) being electrically connected to the same associated second jack (F).

53. The structured cabling system identified in Exhibit 5 includes a protective enclosure (identified as G) surrounding the plurality of second jacks (F).

54. The structured cabling system identified in Exhibit 5 includes means to mount the multiple jack assembly (D) in a support housing at a desired location.

55. The first jacks (E) identified in Exhibit 5 are RJ45 jacks.

56. Each of the first jacks (E) identified in Exhibit 5 is connected to a respective insulation displacement connector (IDC) and all eight wires at a first end (B) of each data cable (A) are attached to said respective IDC.

Count 1-Direct Patent Infringement

57. Plaintiff HT Data re-alleges and incorporates by reference paragraphs 1-56 of the Complaint.

58. Tyco's offer for sale and sale of the Accused Sigma-Link Cable Assemblies is an infringement of Plaintiff HT Data's rights under the '221 patent.

59. Tyco's offer for sale and sale of the Accused Sigma-Link Cable Assembly is an infringement of at least one claim of the '221 patent.

60. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 10-13 is an infringement of Plaintiff HT Data's rights under the '221 patent.

61. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 11-13 is an infringement of at least one claim of the '221 patent.

62. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 11-13 is an infringement of claim 1 of the '221 patent.

63. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 11-13 is an infringement of claim 3 of the '221 patent.

64. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 11-13 is an infringement of claim 4 of the '221 patent.

65. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 11-13 is an infringement of claim 5 of the '221 patent.

66. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 11-13 is an infringement of claim 10 of the '221 patent.

67. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 14-16 is an infringement of Plaintiff HT Data's rights under the '221 patent.

68. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 14-16 is an infringement of at least one claim of the '221 patent.

69. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 14-16 is an infringement of claim 1 of the '221 patent.

70. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 14-16 is an infringement of claim 3 of the '221 patent.

71. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 14-16 is an infringement of claim 4 of the '221 patent.

72. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 14-16 is an infringement of claim 5 of the '221 patent.

73. Tyco's offer for sale and sale of the structured cabling systems identified in Exhibits 14-16 is an infringement of claim 10 of the '221 patent.

WHEREFORE, Plaintiff prays for relief as follows:

A. For a decree adjudging that United States Letters Patent No. RE43,221 has been infringed by Defendant and that Plaintiff has been damaged by that infringement.

B. For an injunction permanently enjoining Defendant, its officers, agents, servants, employees and attorneys, and those persons in active concert or participation with

them who receive actual notice of the decree of this Court by personal service or otherwise, from directly or indirectly infringing the claims of United States Patent No. RE43,221.

- C. For an accounting and damages against Defendant, according to proof at the time of trial, for all damages suffered by Plaintiff by reason of the infringement by Defendant of United States Patent No. RE43,221 in an amount not less than a reasonable royalty, together with interest and costs, pursuant to 35 USC § 284.
- D. For damages in an amount equal to three times the amount of damages found or assessed to compensate Plaintiff for any act of infringement by a Defendant that is determined to be willful, deliberate and intentional, pursuant to 35 USC § 284.
- E. That Plaintiff has such other and further relief as the circumstances of the case may require or as this Court deems just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), HellermannTyton Data Limited, hereby demands and requests a trial by jury of all claims and issues so triable.

Date: December 14, 2013 Respectfully submitted,

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