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
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BY   
2013 MAR 20 PM 12:19  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

FILED

16 UNITED STATES DISTRICT COURT

17 CENTRAL DISTRICT OF CALIFORNIA

18 SOUTHERN DIVISION

19 GORDIUM INNOVATIONS, LLC,

20 Plaintiff,

21 v.

22 ZYXEL COMMUNICATIONS, INC.  
23 ET AL. AND DOE DEFENDANTS 1-  
24 10

25 Defendants.

26 Case No. SACV-12-2014-DOC (JPRx)

27 **AMENDED COMPLAINT,  
PURSUANT TO THE COURT'S  
DISCOVERY CONSOLIDATION  
ORDER**

28 **Judge Carter**

1 Plaintiff Gordium Innovations, LLC (“Plaintiff”), for its Complaint against  
2 defendants ZyXel Communications, Inc., (“ZyXel”) Versa Technology, Inc.,  
3 (“Versa”) TRENnet, Inc., (“Trendnet”) and TP Link USA Corporation (“TP  
4 Link”), (collectively herein “Defendants”), alleges the following:

5 **NATURE OF THE ACTION**

6 1. This is an action for patent infringement arising under the Patent  
7 Laws of the United States, 35 U.S.C. §§ 1, *et seq.*

8 **THE PARTIES**

9 2. Plaintiff Gordium is a limited liability company organized under the  
10 laws of the State of Texas with its principal place of business at 106 Fannin  
11 Avenue, Round Rock, TX 78664-5219.

12 3. Upon information and belief Defendants ZyXel Communications,  
13 Inc. and its affiliated companies is a corporation organized under the laws of the  
14 State of California with its principal place of business at 1130 North Miller  
15 Street, Anaheim, California 92806-2001. Upon information and belief,  
16 Defendant ZyXel Communications, Inc. conducts business under the name  
17 ZyXel and ZyXel Communications Corp.

18 4. Upon information and belief Defendant Versa Technology, Inc., and  
19 its affiliated companies is a corporation organized under the laws of the State of  
20 California with its principal place of business at 5224 Bell Court, Chino,  
21 California 91710.

22 5. Upon information and belief Versa conducts business under the  
23 name Versa Technology.

24 6. Upon information and belief Defendant Trendnet, Inc. and its  
25 affiliated companies is a corporation organized under the laws of the State of  
26

1 California with its principal place of business at 20675 Manhattan Place,  
2 Torrance, California 90501-1827.

3 7. Upon information and belief Trendnet conducts business under the  
4 name Trendnet.

5 8. Upon information and belief Defendant TP-Link USA Corporation  
6 and its affiliated companies is a corporation organized under the laws of the  
7 State of California with its principal place of business at 117 North Sunset  
8 Avenue City Of Industry, California 91744.

9 9. Upon information and belief TP Link conducts business under the  
10 names TP-Link USA Corporation, TP-Link, and TP-Link Technologies Co., Ltd.

11 **JURISDICTION AND VENUE**

12 10. This is an action for patent infringement arising under the Patent  
13 Laws of the United States, Title 35 of the United States Code.

14 11. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331  
15 and 1338.

16 12. Upon information and belief, Defendants regularly conduct business  
17 in this judicial district and has committed acts of patent infringement in this  
18 judicial district including, *inter alia*, selling and offering to sell infringing  
19 products and services in this judicial district.

20 13. Upon information and belief, Defendants have ongoing and  
21 systematic contacts with this judicial district and the United States. In particular,  
22 Defendants' principal places of business are located in this judicial district.

23 14. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c)  
24 and 1400(b).  
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**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,697,385**

15. The allegations set forth in the foregoing paragraphs are incorporated into this First Claim for Relief.

16. On February 24, 2004, U.S. Patent No. 6,697,385 (“the ’385 patent”), entitled “Circuit(s), Method(s) and Architecture for Configurable Packet Re-timing in Network Repeater Hubs,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’385 Patent is attached as Exhibit A to this Complaint.

17. Plaintiff is the assignee and owner of the right, title and interest in and to the ’385 Patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

18. In violation of 35 U.S.C. § 271, Defendants has directly infringed and continues to directly infringe, literally and /or under the doctrine of equivalents, the ’385 Patent by importing, making, using, selling and/or offering for sale in the United States, including in this Judicial District, products capable of providing features claimed in at least Claims 1 and 14 of the ’385 Patent (“the ’385 Accused Products and Services”), without the authority of Plaintiff.

19. Upon information and belief, the ‘385 Accused Products and Services by ZyXel Communications, Inc. include, but are not limited to, the ZyWALL USG100.

20. Upon information and belief, the ‘385 Accused Products and Services by Versa include, but are not limited to, the Planet FGSW-2620VM, FGSD-1022P SNM, FGSW-2620VM, GSD-802PS, FNSW-1608PS, FGSW-2620CS, VC-820M, FGSW-1828PS, MA5616 series DSLAM, VC-820M, MA5616 Series, VX-MD3024Plus, VX-1000MDI, VX-1000MDZ, VX-1000HDZ, VX-VER522, VC-230N 802.11n, VX-HG166 VDSL2, ADE-3400

1 ADSL, ADN-4101 802.11n Wireless ADSL 2/2+ Router, VX-VER170S  
2 ADSL2+ Modem to Ethernet Bridge.

3 21. Upon information and belief, the Accused Products and Services by  
4 Trendnet include, but are not limited to, the 4-Port ADSL 2/2+ Modem Router,  
5 model TDM-C504.

6 22. Upon Information and belief, the Accused Products and Services by  
7 TP Link include, but are not limited to, the TD-8816, TD-W8968, TD-  
8 W8961NB, TD-W8951ND, TD-W8951NB, TD-W8151N, TD-W8901G, TD-  
9 8816, TD-8817, TD-8840T, TL-SG5428, TL-SL5428E, TL-SG3424P, TL-  
10 SG3424, TL-SG3216, TL-SL3428, TL-SG2216, TL-SL2452WEB, TL-  
11 SF1016D, TL-SF1016DS, TL-SF1024, TL-SF1048, TL-SG1005D, TL-SG1008,  
12 TL-SG1008D, TL-SG1016, TL-SG1016D, TL-SG1024, TL-SG1024D, TL-  
13 SG1048, TL-SL1117, TL-SL1210, TL-SL1226, TL-SL1351, MC100CM,  
14 MC110CS, MC111CS, MC112CS, MC200CM, MC210CS, MC220L.

15 23. Plaintiff provided actual notice to Defendants of their infringement  
16 of the '385 Patent in a letter sent by certified mail dated July 31, 2012.

17 24. Defendants have had actual knowledge of the '385 Patent and its  
18 infringement of that patent since at least the date that the July 31, 2012, letter  
19 was received by Defendants and/or their related entities.

20 25. Upon information and belief, Defendants have committed and  
21 continue to commit acts of contributory infringement of at least Claims 1 and 14  
22 of the '385 patent under 35 U.S.C. § 271(c) by selling, offering to sell, and/or  
23 importing products including the '385 Accused Products and Services for the  
24 '385 Patent, knowing or willfully blind to the fact that these products and service  
25 constitute a material part of the invention, were especially made or especially  
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1 adapted for use in an infringement of the '385 Patent, and have no substantial  
2 non-infringing uses.

3         26. Upon information and belief, since at least the date it received the  
4 notice letter from Plaintiff, notifying Defendants that their products infringed the  
5 '385 Patent, Defendants have induced and continue to induce others to infringe at  
6 least Claims 1 and 14 of the '385 Patent under 35 U.S.C. § 271(b) by, among  
7 other things, and with specific intent, actively and knowingly aiding and abetting  
8 others to infringe, including, but not limited to, Defendants' customers whose  
9 use of the '385 Accused Services and Products constitutes direct infringement of  
10 Claims 1 and 14 of the '385 Patent. In particular, Defendants acted with specific  
11 intent to make others, such as its customers, infringe by advertising and selling  
12 the products and providing instruction manuals showing infringing uses of the  
13 products and services. On information and belief, Defendants engaged in such  
14 actions with specific intent to cause infringement or with willful blindness to the  
15 resulting infringement because Defendants have had actual knowledge of the  
16 '385 Patent and that its acts were inducing its customers to infringe the '385  
17 Patent since at least the date it received the notice letter from Plaintiff, notifying  
18 Defendants of their infringement of the '385 Patent.  
19

20         27. Plaintiff has been harmed by Defendants' infringing activities.

21         28. Plaintiff provided notice of infringement of the '385 Patent to  
22 Defendants, but Defendants thereafter continued to infringe the patent. On  
23 information and belief, Defendants' infringement has been and continues to be  
24 willful.  
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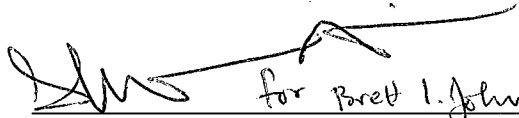


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F. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

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March 20, 2013

  
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**PROOF OF SERVICE**

The undersigned certifies that the foregoing document, **AMENDED COMPLAINT, PURSUANT TO THE COURT'S DISCOVERY CONSOLIDATION ORDER**, was submitted in compliance with Local Rule 5 – 3.3 and Federal Rules of Civil Procedure. As such, this document was served on all counsel deemed to have consented to electronic service. Local Rule 5 – 4.1.3. All other counsel of record or per se parties not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. Mail, as identified below:

NONE.

On this 20th day of March, 2013.



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H. H. (Shashi) Kewalramani