

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Cheetah Omni LLC,

Plaintiff,

vs.

- 1. Verizon Services Corporation,
2. Verizon Business Network Services Inc.,
and
3. Verizon Enterprise Delivery LLC,**

Defendants.

CIVIL ACTION NO. 6:11cv160

JURY TRIAL DEMANDED

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff, Cheetah Omni L.L.C. ("Cheetah Omni"), for its Complaint against Verizon Services Corporation, Verizon Business Network Services Inc., and Verizon Enterprise Delivery LLC (collectively "Verizon"), alleges as follows:

THE PARTIES

1. Plaintiff, Cheetah Omni, is a Texas Limited Liability Company that does business in this judicial district and elsewhere.
2. Defendant Verizon Services Corporation is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 22001 Loudoun County Parkway, Ashburn, VA 20147. On information and belief, it is qualified to do business in the State of Texas and in the Eastern District of Texas.

3. Defendant Verizon Business Network Services Inc. is a Delaware Corporation with its corporate headquarters and principal place of business at 22001 Loudon County Parkway, Ashburn, Virginia 20147. On information and belief, it is qualified to do business in the State of Texas and in the Eastern District of Texas.
4. Defendant Verizon Enterprise Delivery LLC is a Delaware limited liability company with its corporate headquarters and principal place of business at One Verizon Way, Basking Ridge, NJ 07920. On information and belief, it is qualified to do business in the State of Texas and in the Eastern District of Texas.

JURISDICTION AND VENUE

5. This case arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
6. Subject matter jurisdiction is conferred upon the Court by 28 U.S.C. §§ 1331 and 1338.
7. Upon information and belief, Verizon regularly and continuously engages in substantial sales and other business transactions in the Eastern District of Texas and has one or more regular and established places of business within this district. Accordingly, venue is proper in this district under 28 U.S.C. § 1391 and/or 28 U.S.C. § 1400.

THE PATENT-IN-SUIT

8. On April 21, 2009, U.S. Patent No. 7,522,836 (“the '836 patent,” Exhibit A), entitled “Optical Logic Gate Based Optical Router,” was duly and lawfully issued to inventor Mohammed N. Islam.
9. Cheetah Omni is the owner by assignment of the '836 patent.

**COUNT I – CONTINUING INFRINGEMENT
OF U.S. PATENT NO. 7,522,836**

10. On March 18, 2011, after a week-long trial, a jury found that Verizon’s fiber-to-the-home optical communications network that uses LCoS-based ROADMs to deliver FiOS services infringes claims 9, 12, 14, 15, 16, and 19 of the ‘836 patent (“the adjudicated-infringing FiOS network”).
11. On information and belief, Verizon continues to make and use the adjudicated-infringing FiOS network.
12. Verizon’s continuing infringement is willful.
13. Cheetah Omni continues to suffer damages and irreparable harm as a result of Verizon’s continuing infringement, and will continue to suffer such damages and irreparable harm as long as those infringing activities continue.

PRAYER FOR RELIEF

WHEREFORE, Cheetah Omni asks the Court to:

- A. Find defendants liable for continuing infringement of claims 9, 12, 14, 15, 16, and 19 of the '836 patent;
- B. Grant preliminary and permanent injunctive relief restraining defendants, together with any officers, agents, servants, employees, and attorneys, and such other persons in active concert or participation with the defendants who receive actual notice of the order, from further infringement of the '836 patent;
- C. Award Cheetah Omni damages adequate to compensate for Verizon’s infringement;

D. Find that Verizon's continuing infringement is willful and award treble damages under 35 U.S.C. § 284.

E. Declare this an exceptional case within the meaning of 35 U.S.C. § 285 and award Cheetah Omni its reasonable attorney's fees, costs, and disbursements;

F. Award Cheetah Omni interest on all damages awarded; and

G. Grant such other, further and different relief as may be just and equitable.

DEMAND FOR JURY TRIAL

Cheetah Omni demands a trial by jury.

Respectfully submitted,

By: /s/ T. John Ward, Jr.

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