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 Pulse Electronics Corporation

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

PULSE ELECTRONICS, INC., a Delaware
 corporation
 Plaintiff,
 v.
 FOXCONN ELECTRONICS, INC., a
 California corporation; and HON HAI
 PRECISION INDUSTRY, CO LTD., a
 Taiwan corporation.
 Defendants.

Case No. **'12CV0194 BEN BGS**

**COMPLAINT FOR PATENT
 INFRINGEMENT**

JURY TRIAL DEMANDED

1 For its Complaint, Plaintiff Pulse Electronics, Inc. (hereinafter "Pulse") hereby asserts and
2 alleges as follows:

3 **THE PARTIES**

4 1. Pulse is a corporation organized and existing under the laws of the state of Delaware,
5 and maintains its principal place of business at 12220 World Trade Drive, San Diego, California,
6 92128, USA.

7 2. On information and belief, Defendant Foxconn Electronics, Inc. is a subsidiary of
8 Hon Hai Precision Industry Co. (hereinafter "Foxconn"), and is a corporation organized and existing
9 under the laws of the state of California, and maintains its principal place of business at 288 S. Mayo
10 Ave, City of Industry, CA 91789. According to the California Secretary of State, the agent for
11 service of process in California is Jeff Tsai, located at 288 S. Mayo Ave, City of Industry, CA
12 91789.

13 3. On information and belief, Defendant Hon Hai Precision Industry Co., Ltd. operates
14 under the trade name "Foxconn" and is a corporation organized and existing under the laws of the
15 Republic of China, and maintains its principal place of business at 2 Zihyou Street, Tucheng City,
16 Taipei County, 236 Taiwan. According to the California Secretary of State, the agent for service of
17 process in California is Jeff Tsai, located at 288 S. Mayo Ave., City of Industry, CA 91789.

18
19 **JURISDICTION AND VENUE**

20 4. This action arises under the patent laws of the United States, 35 U.S.C. §§ 1, *et. seq.*
21 and more particularly 35 U.S.C. §§ 271 and 281.

22 5. Jurisdiction in this Court is founded upon at least 28 U.S.C. §§ 1331 and 1338(a).
23 Venue is established in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).
24 On information and belief, Defendants have purposefully directed contacts with and within
25 California and this judicial district, have continuous and systematic contacts with and within
26 California and this judicial district, transact substantial business, including generally and specifically
27 in relation to the causes of action and acts of infringement alleged herein, either directly or through
^^ agents, on an ongoing basis in California and this judicial district.

BACKGROUND

6. Pulse is a worldwide leader in electronic component design and manufacturing, including in the design and manufacture of RJ-45 Integrated Connector Modules. Pulse's engineering design centers and manufacturing facilities (in North America, Europe and Asia) supply products to a broad international customer base.

7. As a testament to Pulse's innovation, it was issued approximately twenty-five (25) United States patents dealing generally with RJ-45 Integrated Connector Module technology over the past eleven (11) years. Seven (7) of those patents are the patents-in-suit herein.

8. On July 1, 2003, the United States Patent and Trademark Office issued United States Patent No. 6,585,540 (the "'540 Patent") entitled "Shielded Microelectronic Connector Assembly and Method of Manufacturing" to Aurelio J. Gutierrez, Bruce I. Doyle III and Dallas A. Dean. A true and correct copy of the '540 Patent is attached hereto as Exhibit A. The '540 Patent also has several foreign counterpart patents and pending applications, including those in Taiwan, China, and Europe.

9. Pulse owns, by assignment, all right, title and interest in and to the '540 Patent (and its counterparts).

10. On November 8, 2005, the United States Patent and Trademark Office issued United States Patent No. 6,962,511 and on June 7, 2011, issued reexamination United States Patent No. 6,962,511 C1 (the "'511 Patent") entitled "Advanced Microelectronic Connector Assembly and Method of Manufacturing" to Aurelio J. Gutierrez, Russell L. Machado and Dallas A. Dean. A true and correct copy of the '511 Patent including the reexamination certificate is attached hereto as Exhibit B. The '511 Patent also has several foreign counterpart patents and pending applications, including those in China, Japan, South Korea, and Europe.

11. Pulse owns, by assignment, all right, title and interest in and to the '511 Patent (and its counterparts).

12. On July 10, 2007 the United States Patent and Trademark Office issued United States Patent No. 7,241,181 (the "'181 Patent") entitled "Universal Connector Assembly and Method of

1 Manufacturing” to Russell Lee Machado, Victor H. Renteria and Thuyen Dinh. A true and correct
2 copy of the ‘181 Patent is attached hereto as Exhibit C. The ‘181 Patent also has a foreign
3 counterpart patent in Taiwan.

4 13. Pulse owns, by assignment, all right, title and interest in and to the ‘181 Patent (and
5 its counterparts).

6 14. On May 6, 2008 the United States Patent and Trademark Office issued United States
7 Patent No. 7,367,851 (the “‘851 Patent”) entitled “Universal Connector Assembly and Method of
8 Manufacturing” to Russell Lee Machado, Victor H. Renteria and Thuyen Dinh. A true and correct
9 copy of the ‘851 Patent is attached hereto as Exhibit D.

10 15. Pulse owns, by assignment, all right, title and interest in and to the ‘851 Patent.

11 16. On February 16, 2010, the United States Patent and Trademark Office issued United
12 States Patent No. 7,661,994 (the “‘994 Patent”) entitled “Universal Connector Assembly and
13 Method of Manufacturing” to Russell Lee Machado, Victor H. Renteria and Thuyen Dinh. A true
14 and correct copy of the ‘994 Patent is attached hereto as Exhibit E.

15 17. Pulse owns, by assignment, all right, title and interest in and to the ‘994 Patent.

16 18. On August 31, 2010, the United States Patent and Trademark Office issued United
17 States Patent No. 7,786,009 (the “‘009 Patent”) entitled “Universal Connector Assembly and
18 Method of Manufacturing” to Russell Lee Machado, Victor H. Renteria and Thuyen Dinh. A true
19 and correct copy of the ‘009 Patent is attached hereto as Exhibit F.

20 19. Pulse owns, by assignment, all right, title and interest in and to the ‘009 Patent.

21 20. On June 14, 2011, the United States Patent and Trademark Office issued United
22 States Patent No. 7,959,473 (the “‘473 Patent”) entitled “Universal Connector Assembly and
23 Method of Manufacturing” to Russell Lee Machado, Victor H. Renteria, and Thuyen Dinh. A true
24 and correct copy of the ‘473 Patent is attached hereto as Exhibit G.

25 21. Pulse owns, by assignment, all right, title and interest in and to the ‘473 Patent.

26 22. The Patents identified in paragraphs 8 through 21 are collectively referred to as the
27 “Pulse Patents”.

23. On information and belief, Defendants manufacture, use, offer for sale, sell and/or import in and into the United States products referred to as Modular Jack Port Connectors (part nos. JFM38D1D-H3V2-4F, JFM24D1N-0118-4F, JFM38E1D-H336-4F, JFM24E1N-0119-4F, JFM31A1A-0116-4F, JFM31A1F-0107-4F, JFM38A1A-01H6-4F, JFM38A1A-0146-4F, JFM38A1A-0175-4F, JFM38A1A-0176-4F, JFM38A1H-0175-4F, JFM38A12-0175-4F, JFM38A1A-0145-4F, JFM31A1A-0107-4F, and variants thereof and related modules thereto) (collectively, the “Accused Products”).

24. On information and belief, Defendants have acted and continue to act in concert and on behalf of each other in connection with the allegations set forth in this Complaint.

COUNT 1

Infringement of the ‘540 Patent

25. Pulse repeats, re-pleads, and incorporates herein the allegations contained in paragraphs 1 through 24 of this Complaint.

26. On information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed and are continuing to infringe, literally and/or under the doctrine of equivalents, the ‘540 patent by practicing one or more claims of the ‘540 patent, in their manufacture, use, offering for sale, sale and importation of one or more of the Accused Products, and by contributing to this infringement and inducing others to infringe. On further information and belief, the Defendants have committed infringing activities in this judicial district and elsewhere in the United States, and will continue to do so unless enjoined by this Court.

27. The Defendants’ infringement of the ‘540 Patent has caused damage to Pulse, and Pulse is entitled to recover from the Defendants the damages sustained by Pulse as a result of the Defendants’ wrongful acts in an amount subject to proof at trial. The Defendants’ infringement of Pulse’s exclusive rights under the ‘540 Patent will continue to cause Pulse substantial and irreparable injury for which there is no adequate remedy at law, unless enjoined by this Court. Pulse reserves the right to allege, after discovery, that the Defendants’ infringement is willful and deliberate, entitling

1 Pulse to increased damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in
2 prosecuting this action under 35 U.S.C. § 285.

3
4 **COUNT 2**

5 **Infringement of the '511 Patent**

6 28. Pulse repeats, re-pleads, and incorporates herein the allegations contained in
7 paragraphs 1 through 24 of this Complaint.

8 29. On information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed
9 and are continuing to infringe, literally and/or under the doctrine of equivalents, the '511 patent by
10 practicing one or more claims of the '511 patent, in their manufacture, use, offering for sale, sale and
11 importation of one or more of the Accused Products, and by contributing to this infringement and
12 inducing others to infringe. On further information and belief, the Defendants have committed
13 infringing activities in this judicial district and elsewhere in the United States, and will continue to
14 do so unless enjoined by this Court.

15 30. The Defendants' infringement of the '511 Patent has caused damage to Pulse, and
16 Pulse is entitled to recover from the Defendants the damages sustained by Pulse as a result of the
17 Defendants' wrongful acts in an amount subject to proof at trial. The Defendants' infringement of
18 Pulse's exclusive rights under the '511 Patent will continue to cause Pulse substantial and irreparable
19 injury for which there is no adequate remedy at law, unless enjoined by this Court.

20 31. On information and belief, the Defendants' infringement of the '511 Patent has been
21 and is being committed in a willful manner, and in deliberate and intentional disregard of Pulse's
22 rights. Pulse is therefore entitled to increased damages under 35 U.S.C. § 284 and to attorney's fees
23 and costs incurred in prosecuting this action under 35 U.S.C. § 285.

24
25 **COUNT 3**

26 **Infringement of the '181 Patent**

27 32. Pulse repeats, re-pleads, and incorporates herein the allegations contained in
28 paragraphs 1 through 24 of this Complaint.

33. On information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed and are continuing to infringe, literally and/or under the doctrine of equivalents, the '181 patent by practicing one or more claims of the '181 patent, in their manufacture, use, offering for sale, sale and importation of one or more of the Accused Products, and by contributing to this infringement and inducing others to infringe. On further information and belief, the Defendants have committed infringing activities in this judicial district and elsewhere in the United States, and will continue to do so unless enjoined by this Court.

34. The Defendants' infringement of the '181 Patent has caused damage to Pulse, and Pulse is entitled to recover from the Defendants the damages sustained by Pulse as a result of the Defendants' wrongful acts in an amount subject to proof at trial. The Defendants' infringement of Pulse's exclusive rights under the '181 Patent will continue to cause Pulse substantial and irreparable injury for which there is no adequate remedy at law, unless enjoined by this Court. Pulse reserves the right to allege, after discovery, that the Defendants' infringement is willful and deliberate, entitling Pulse to increased damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT 4

Infringement of the '851 Patent

35. Pulse repeats, re-pleads, and incorporates herein the allegations contained in paragraphs 1 through 24 of this Complaint.

36. On information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed and are continuing to infringe, literally and/or under the doctrine of equivalents, the '851 patent by practicing one or more claims of the '851 patent, in their manufacture, use, offering for sale, sale and importation of one or more of the Accused Products, and by contributing to this infringement and inducing others to infringe. On further information and belief, the Defendants have committed infringing activities in this judicial district and elsewhere in the United States, and will continue to do so unless enjoined by this Court.

37. The Defendants' infringement of the '851 Patent has caused damage to Pulse, and Pulse is entitled to recover from the Defendants the damages sustained by Pulse as a result of the Defendants' wrongful acts in an amount subject to proof at trial. The Defendants' infringement of Pulse's exclusive rights under the '851 Patent will continue to cause Pulse substantial and irreparable injury for which there is no adequate remedy at law, unless enjoined by this Court. Pulse reserves the right to allege, after discovery, that the Defendants' infringement is willful and deliberate, entitling Pulse to increased damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT 5

Infringement of the '994 Patent

38. Pulse repeats, re-pleads, and incorporates herein the allegations contained in paragraphs 1 through 24 of this Complaint.

39. On information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed and are continuing to infringe, literally and/or under the doctrine of equivalents, the '994 patent by practicing one or more claims of the '994 patent, in their manufacture, use, offering for sale, sale and importation of one or more of the Accused Products, and by contributing to this infringement and inducing others to infringe. On further information and belief, the Defendants have committed infringing activities in this judicial district and elsewhere in the United States, and will continue to do so unless enjoined by this Court.

40. The Defendants' infringement of the '994 Patent has caused damage to Pulse, and Pulse is entitled to recover from the Defendants the damages sustained by Pulse as a result of the Defendants' wrongful acts in an amount subject to proof at trial. The Defendants' infringement of Pulse's exclusive rights under the '994 Patent will continue to cause Pulse substantial and irreparable injury for which there is no adequate remedy at law, unless enjoined by this Court. Pulse reserves the right to allege, after discovery, that the Defendants' infringement is willful and deliberate, entitling Pulse to increased damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT 6

Infringement of the '009 Patent

41. Pulse repeats, re-pleads, and incorporates herein the allegations contained in paragraphs 1 through 24 of this Complaint.

42. On information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed and are continuing to infringe, literally and/or under the doctrine of equivalents, the '009 patent by practicing one or more claims of the '009 patent, in their manufacture, use, offering for sale, sale and importation of one or more of the Accused Products, and by contributing to this infringement and inducing others to infringe. On further information and belief, the Defendants have committed infringing activities in this judicial district and elsewhere in the United States, and will continue to do so unless enjoined by this Court.

43. The Defendants' infringement of the '009 Patent has caused damage to Pulse, and Pulse is entitled to recover from the Defendants the damages sustained by Pulse as a result of the Defendants' wrongful acts in an amount subject to proof at trial. The Defendants' infringement of Pulse's exclusive rights under the '009 Patent will continue to cause Pulse substantial and irreparable injury for which there is no adequate remedy at law, unless enjoined by this Court. Pulse reserves the right to allege, after discovery, that the Defendants' infringement is willful and deliberate, entitling Pulse to increased damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT 7

Infringement of the '473 Patent

44. Pulse repeats, re-pleads, and incorporates herein the allegations contained in paragraphs 1 through 24 of this Complaint.

45. On information and belief, in violation of 35 U.S.C. § 271, Defendants have infringed and are continuing to infringe, literally and/or under the doctrine of equivalents, the '473 patent by practicing one or more claims of the '473 patent, in their manufacture, use, offering for sale, sale and

importation of one or more of the Accused Products, and by contributing to this infringement and inducing others to infringe. On further information and belief, the Defendants have committed infringing activities in this judicial district and elsewhere in the United States, and will continue to do so unless enjoined by this Court.

46. The Defendants' infringement of the '473 Patent has caused damage to Pulse, and Pulse is entitled to recover from the Defendants the damages sustained by Pulse as a result of the Defendants' wrongful acts in an amount subject to proof at trial. The Defendants' infringement of Pulse's exclusive rights under the '473 Patent will continue to cause Pulse substantial and irreparable injury for which there is no adequate remedy at law, unless enjoined by this Court. Pulse reserves the right to allege, after discovery, that the Defendants' infringement is willful and deliberate, entitling Pulse to increased damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Pulse, respectfully requests that the Court enters judgment in its favor and grant the following relief:

47. Declare that the '540, '511, '181, '851, '994, '009 and '473 Patents are valid, and that Defendants have directly and/or indirectly infringed one or more claims of each of the '540, '511, '181, '851, '994, '009 and '473 Patents;

48. Preliminarily and permanently enjoin the Defendants, their officers, agents, representatives, distributors, employees, affiliates, parents and subsidiary corporations, attorneys, and other person(s) in active concert or participation with them from infringing, directly or indirectly, the '540, '511, '181, '851, '994, '009 and '473 Patents;

49. Award Pulse damages, together with prejudgment and post-judgment interest, in an amount according to proof adequate to compensate Pulse for the Defendants' infringement of the '540, '511, '181, '851, '994, '009 and '473 Patents;

50. Award Pulse treble damages pursuant to 35 U.S.C. § 284 as a consequence of Defendants' willful infringement;

1 51. Declare this case exceptional pursuant to 35 U.S.C. § 285 and award Pulse its costs
2 and attorneys' fees or as otherwise permitted by law; and

3 52. Grant Pulse such other costs and further relief as is just and proper.

4
5 Dated: January 24, 2012

WALKER PENDERGRASS & TIETSWORTH
LLP

6
7 By: /s Kent M. Walker
8 Kent M. Walker (173700)
9 kent@kentmwalker.com
10 Attorneys for Plaintiff
11 PULSE ELECTRONICS CORPORATION
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DEMAND FOR JURY TRIAL

1. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Pulse respectfully requests a trial by jury on all issues properly triable by jury.

Dated: January 24, 2012

WALKER PENDERGRASS & TIETSWORTH
LLP

By: /s Kent M. Walker
Kent M. Walker (173700)
kent@kentmwalker.com
Attorneys for Plaintiff
PULSE ELECTRONICS CORPORATION

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

PULSE ELECTRONICS, INC., a Delaware corporation

(b) County of Residence of First Listed Plaintiff San Diego

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Walker Pendergrass & Tietsworth LLP, 402 W. Broadway, Ste. 400,
San Diego, CA 92101 619-446-5603**DEFENDANTS**FOXCONN ELECTRONICS, INC., a California corporation;
and HON HAI PRECISION INDUSTRY, CO LTD., a TaiwanCounty of Residence of First Listed Defendant Los Angeles

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

'12CV0194 BEN BGS**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

35 USC 271

Brief description of cause:
Patent infringement**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/24/2012

SIGNATURE OF ATTORNEY OF RECORD

Kent M. Walker

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.