

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GORDIUM INNOVATIONS LLC,

Plaintiff,

v.

ASANTE TECHNOLOGIES, INC.,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

**PLAINTIFF GORDIUM INNOVATIONS LLC'S
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Gordium Innovations LLC ("Plaintiff" or "Gordium"), for its Complaint against defendant Asante Technologies, Inc. ("Defendant"), alleges the following:

NATURE OF THE ACTION

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

THE PARTIES

2. Gordium is a limited liability company organized under the laws of the State of Texas with a place of business at 106 Fannin Avenue, Round Rock, Texas 78664.

3. Upon information and belief, Defendant is a corporation organized under the laws of the State of Delaware with its principal place of business at 47436 Fremont Boulevard, Fremont, California 94538.

4. Upon information and belief, Defendant conducts business under the names "Asante", and "Asante, a Communication Division of UIC Corporation."

JURISDICTION AND VENUE

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

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

7. Upon information and belief, Defendant regularly conducts business in this judicial district and has committed acts of patent infringement in this judicial district including, *inter alia*, selling and offering to sell infringing products and services in this judicial district.

8. Upon information and belief, Defendant has ongoing and systematic contacts with this judicial district and the United States. In particular, Defendant is incorporated in Delaware and upon information and belief conducts business in this judicial district.

9. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,697,385

10. The allegations set forth in the foregoing paragraphs 1 through 9 are incorporated into this First Claim for Relief.

11. 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.

12. Gordium 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.

13. In violation of 35 U.S.C. § 271, Defendant 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.

14. The '385 Accused Products and Services include, but are not limited to, the Asante IntraCore 36524 Layer-2/3/4 Gigabit switch.

15. Gordium has been harmed by Defendant's infringing activities.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure and Civil L.R. 3-6(a), Gordium demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in its favor and against Defendant as follows:

- A. An adjudication that Defendant has infringed the '385 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Plaintiff for Defendant's past infringement of the '385 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A reasonable ongoing royalty to compensate Plaintiff for any sales made post-judgment;
- D. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiff's reasonable attorneys' fees;
- E. An award to Plaintiff of such further relief at law or in equity as the Court deems just and proper.

Dated: November 16, 2012

STAMOULIS & WEINBLATT LLC

/s/ Richard C. Weinblatt

Stamatios Stamoulis #4606

stamoulis@swdelaw.com

Richard C. Weinblatt #5080

weinblatt@swdelaw.com

Two Fox Point Centre

6 Denny Road, Suite 307

Wilmington, DE 19809

Telephone: (302) 999-1540

Attorneys for Plaintiff

Gordium Innovations LLC