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1 2 3 4 5 6 7 8 9 10 11	QUINN EMANUEL URQUHART & SULLIVA Robert P. Feldman (CA Bar No. 69602) bobfeldman@quinnemanuel.com S. Kameron Parvin (CA Bar No. 232349) kameronparvin@quinnemanuel.com 555 Twin Dolphin Drive, 5 th Floor Redwood Shores, California 94065 Telephone: (650) 801-5000 Facsimile: (650) 801-5000 Facsimile: (650) 801-5100 John M. Neukom (CA Bar No. 275887) johnneukom@quinnemanuel.com 50 California Street, 22nd Floor San Francisco, California 94111 Telephone; 415-875-6600 Facsimile: 415-875-6700 Attorneys for Plaintiff, ALIPHCOM	AN, LLP	
12			
13	UNITED STATES DISTRICT COURT		
14	NORTHERN DISTRICT OF CA	LIFORNIA, SAN JOSE DIVISION	
15			
16	ALIPHCOM, a Delaware corporation	CASE NO	
17	Plaintiff, vs.	CORRECTED COMPLAINT FOR DECLARATORY JUDGMENT OF INVALIDITY OF U.S. PATENT NOS.	
18		5,682,160	
19	GENERAL ELECTRIC CO., a New York corporation, and CIF LICENSING, LLC d/b/a	DEMAND FOR JURY TRIAL	
20	GE LICENSING, a Delaware limited liability company,		
21 22	Defendants.		
22			
23 24	Plaintiff Aliphcom ("Aliph"), by and through its undersigned counsel, seeks a declaration		
24	that the claims of United States Patent No. 5,682,160 are invalid as follows:		
23 26	NATURE OF THE ACTION		
20	1. This is an action for a declaratory judgment of patent invalidity arising		
27	under the patent laws of the United States, Title	35 of the United States Code.	
20 04009.52094/5084048.1			
	CORRECTED COMPLAINT FOR DECLARATORY JUDGMENT OF INVALIDITY		

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1	THE PARTIES		
2	2. Plaintiff Aliph is a corporation organized and existing under the laws of the		
3	State of Delaware with its principal place of business at 99 Rhode Island Street, San Francisco,		
4	CA 94103.		
5	3. On information and belief, Defendant General Electric Company is a New		
6	York Corporation with a principal place of business at 3135 Easton Turnpike, Fairfield,		
7	Connecticut 06828-0001.		
8	4. On information and belief, Defendant CIF Licensing, LLC d/b/a GE		
9	Licensing ("GE Licensing") is a limited liability company organized and existing under the laws		
10	of the State of Delaware with its principal place of business in Princeton, New Jersey 08540.		
11	5. On information and belief, Defendant General Electric Company holds a		
12	controlling interest of greater than 90% of GE Licensing. (Defendants are referred to herein		
13	collectively as "GE")		
14	JURISDICTIONAL STATEMENT		
15	6. This action arises under the Declaratory Judgment Act, 28 U.S.C. § 2201, <i>et</i>		
16	seq., and under the patent laws of the United States, 35 U.S.C. § 1, et seq.		
17	7. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331,		
18	1338(a), 2201(a) and 2202.		
19	8. This Court has personal jurisdiction over Defendants on account of GE's		
20	ongoing and regular contacts with this District.		
21	9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(c).		
22	10. An immediate, real, and justiciable controversy exists between Aliph and		
23	GE as to whether the claims of United States Patent No. 5,682,160 (the "'160 patent") (the		
24	"Patent-in-Suit") are valid.		
25	INTRADISTRICT ASSIGNMENT		
26	11. For purposes of intradistrict assignment pursuant to Civil Local Rules 3-		
27	2(c) and 3-5(b), this Intellectual Property Action is to be assigned on a district-wide basis.		
28	28 FACTUAL BACKGROUND		
	Corrected Complaint For Declaratory Judgment Of Invalidity 2		

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1	12. GE claims to be the owner of the '160 patent.		
2	13. The United States Patent Office's online database of patent assignments		
3	shows that the '160 patent was assigned to General Electric Company by its inventors by an		
4	assignment recorded on May 20, 1996.		
5	14. Aliph designs and sells Bluetooth headsets and speakers under the brand		
6	name, "Jawbone." These headsets and speakers include the Jawbone JAMBOX, BIG JAMBOX,		
7	ICON, ICON HD, PRIME, and ERA product lines (collectively, the "Accused Products").		
8	15. GE sent a letter asserting its ownership of the Patent-in-Suit and three other		
9	patents, and accusing Aliph of infringing them. Mr. Jeffrey Parker, Vice President of Patent		
10	Licensing at GE, sent that letter, dated September 12, 2012, to Mr. Hosain Rahman, Chief		
11	Executive Officer of Aliph, Inc.		
12	16. According to the letter, GE studied Aliph's Jawbone Accused Products, and		
13	concluded that they infringe one of more claims of the Patent-in-Suit and the three other patents.		
14	4 GE indicated that Aliph "needs a license."		
15	17. GE sent another letter on November 28, 2012. That letter, sent to		
16	6 Mr. Michael Luna, Chief Technology Officer of AliphCom, by Mr. Robert Rudnick, a Director of		
17	7 Gibbons P.C., on behalf of GE, again alleged that the Accused Products infringe the Patent-in-suit		
18	and the other patents.		
19	18. Aliph does not believe that it needs a license because the claims of the		
20	Patent-in-Suit are invalid.		
21	19. On information and belief, GE is likely to imminently institute a patent-		
22	infringement suit, threatening Aliph's ongoing sales of its Jawbone headsets and speakers.		
23	20. An actual controversy therefore exists between Aliph and GE regarding the		
24	validity of the claims of the '160 patent.		
25	FIRST COUNT		
26	(Declaration of Invalidity of the '160 Patent)		
27	21. Aliph incorporates the allegations in paragraphs 1 through 20 of this		
28	8 Complaint as are fully set forth herein.		
	CORRECTED COMPLAINT FOR DECLARATORY JUDGMENT OF INVALIDITY 3		

1	22. GE claims to be the owner of all rights, title and interest in and under the		
2	'160 Patent.		
3	23. GE has accused Aliph of infringing the '160 patent in connection with		
4	manufacture and/or sale of Jawbone's mobile Bluetooth speakers and headsets—including the		
5	JAMBOX, BIG JAMBOX, ICON, ICON HD, PRIME, and ERA product lines.		
6	24. GE claims that the '160 patent is valid.		
7	25. A substantial, immediate, and real controversy therefore exists between		
8	Aliph and GE regarding the validity of the '160 patent.		
9	26. Each and every claim of the '160 patent is invalid for failing to satisfy one		
10	or more of the conditions for patentability specified in Title 35 of the United States Code,		
11	including without limitation, Sections 101, 102, 103 and 112.		
12	2 PRAYER FOR RELIEF		
13	WHEREFORE, Aliph prays for judgment as follows:		
14	A. that the Court find and declare that the claims of the '160 patent are invalid;		
15	B. that judgment be entered in favor of Aliph and against GE on each of Aliph's		
16	claims;		
17	C. that the Court find this an exceptional case and award Aliph its costs and attorneys'		
18	8 fees pursuant to 35 U.S.C. § 285 or otherwise; and		
19	D. that the Court grant Aliph such other and further relief as the Court deems just and		
20	proper.		
21	JURY DEMAND		
22	Aliph hereby demands a jury trial on all issues and claims so triable.		
23	QUINN EMANUEL URQUHART & DATED: December 5, 2012 SULLIVAN, LLP		
24	Sollivan, Lli		
25	By: /s/		
26	Robert P. Feldman		
27	Attorneys for Aliphcom		
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	Corrected Complaint For Declaratory Judgment Of Invalidity 4		