

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

CANATELO, LLC Plaintiff, v. OFFICEMAX, INC.; OFFICEMAX NORTH AMERICA, INC.; OFFICEMAX PUERTO RICO, INC.; AND D-LINK SYSTEMS INC. Defendants.	CIVIL NUM.: PLAINTIFF REQUESTS TRIAL BY JURY PATENT INFRINGEMENT
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COMPLAINT FOR INFRINGEMENT OF PATENT

TO THE HONORABLE COURT:

COMES NOW, Plaintiff Canatelo, LLC (“Canatelo”), through the undersigned attorneys, and respectfully alleges, states, and prays as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 of the United States Code (“U.S.C.”) to prevent and enjoin Defendants OfficeMax, Inc.; OfficeMax North America, Inc.; OfficeMax Puerto Rico, Inc. (collectively, “OfficeMax”); and D-Link, Inc. (“D-Link”) (collectively, “Defendants”) from infringing and profiting, in an illegal and unauthorized manner and without authorization and/or consent from Plaintiff, from U.S. Patent Nos. 7,310,111 (the “111 patent”) and 6,476,858 (the “858 patent”) pursuant to 35 U.S.C. §271, and to recover damages, attorneys fees, and costs.

JURISDICTION AND VENUE

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a).

3. Venue lies in this judicial district pursuant to 28 U.S.C. §§1391 and 1400(b).
4. Upon information and belief, Defendants have conducted and do conduct business within the Commonwealth of Puerto Rico, directly or through intermediaries, resellers or agents, or offers for sale and sells, (including through the use of interactive web pages with promotional material) products or services, or uses or induces others to use services or products in Puerto Rico that infringe the '111 and the '858, (collectively, the "Asserted Patents") or knowingly contribute to infringement of the Asserted Patents.
5. In addition to the Defendants' continuously and systematically conducting business in Puerto Rico, the cause of action against Defendants is connected (but not limited) to Defendants' purposeful acts committed in Puerto Rico, including Defendants' making, using, importing, offering for sale, or selling video-based security systems which include features that fall within the scope of at least one claim of the '111 and/or '858 patents.
6. At least two Defendants maintain registered agents within Puerto Rico in addition to conducting business within Puerto Rico.
7. Upon information and belief, Defendant OfficeMax North America, Inc. maintains a registered agent at CT Corporation System CT International 361 San Francisco St Penthouse San Juan, Puerto Rico 00901.
8. Upon information and belief, Defendant OfficeMax Puerto Rico, Inc. maintains registered agent José Torres at Plaza del Parque Suite 20, Avenida Comerio Bayamón, Puerto Rico 00961.

THE PARTIES

9. Plaintiff Canatelo is a Puerto Rico limited liability company with its principal place of business at Martinal Plaza Aldea St. 1414, Suite 402, San Juan, Puerto Rico 00907.

10. Upon information and belief, Defendant OfficeMax Inc. is a Delaware corporation with its principal place of business at 263 Shuman Boulevard, Naperville, Illinois 60563.
11. Upon information and belief, Defendant OfficeMax North America, Inc. is an Ohio corporation with a place of business at 350 Chardón Avenue, Suite 700, San Juan, Puerto Rico 00918.
12. Upon information and belief, Defendant OfficeMax Puerto Rico, Inc. is a Puerto Rico corporation with a principal place of business at Carr. 887 Km. 3.0, Bo. Antón, Carolina, Puerto Rico 00984.
13. Upon information and belief, Defendant D-Link Systems, Inc. is a California corporation with an address at 17595 Mt. Herrmann St., Fountain Valley, CA 92708.

FACTUAL ALLEGATIONS

14. On December 18, 2007, the United States Patent and Trademark Office (“USPTO”) duly and legally issued the ‘111 patent, entitled “Video monitoring and security system” after a full and fair examination. A true and correct copy of the ‘111 patent is attached hereto as Exhibit “A”. Canatelo is presently the owner of the patent, having received all right, title and interest in and to the ‘111 patent. Canatelo possesses all rights of recovery under the ‘111 patent, including the exclusive right to recover for past infringement. The ‘111 patent is valid and enforceable.
15. On November 11, 2002, the United States Patent and Trademark Office (“USPTO”) duly and legally issued the ‘858 patent, entitled “Video monitoring and security system” after a full and fair examination. A true and correct copy of the ‘858 patent is attached hereto as Exhibit “B”. Canatelo is presently the owner of the patent, having received all right, title and interest in and to the ‘858 patent. Canatelo possesses all rights of recovery under

the '858 patent, including the exclusive right to recover for past infringement. The '858 patent is valid and enforceable.

16. OfficeMax sells, offers to sell and imports wireless network cameras including D-Link model DCS-930L and DCS-932L, within the Commonwealth of Puerto Rico.
17. On information and belief, OfficeMax uses wireless network cameras, including D-Link model DCS-930L and DCS-932L, for example when demonstrating product functionality.
18. D-Link model DCS-930L and DCS-932L cameras include a video camera that generates a video signal.
19. D-Link model DCS-930L and DCS-932L cameras include a built-in microprocessor, memory and software for performing various functions in relation to video signals.
20. D-Link model DCS-930L and DCS-932L cameras have the ability to detect motion in the camera's field of view.
21. D-Link model DCS-930L and DCS-932L cameras have the ability to exclude specific areas of the camera's field of view from motion detection and surround specific excluded areas with active areas where motion is detected.
22. D-Link model DCS-930L and DCS-932L cameras have the ability to surround specific excluded areas where motion is not detected with active areas where motion is detected.
23. D-Link model DCS-930L and DCS-932L cameras have the ability to send an e-mail to a pre-designated e-mail address when motion is detected.
24. D-Link model DCS-930L and DCS-932L cameras have the ability to include JPEG images in emails sent to the pre-designated e-mail address.

25. D-Link model DCS-930L and DCS-932L cameras have the ability to transmit messages other than e-mail, such as FTP messages.

DIRECT INFRINGEMENT

26. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 14-25.

27. Taken together, either partially or entirely, the features included in D-Link models DCS-930L and DCS-932L include each of the elements recited in at least Claims 1-7, 9 and 10 of the '111 Patent.

28. Taken together, either partially or entirely, D-Link models DCS-930L and DCS-932L perform each of the steps recited in at least Independent Claim 13 of the '111 Patent.

29. Taken together, either partially or entirely, the features included in D-Link models DCS-930L and DCS-932L include each of the elements recited in at least Independent Claim 26 of the '858 Patent.

30. Taken together, either partially or entirely, D-Link models DCS-930L and DCS-932L perform each of the steps recited in at least Claims 28-30 and 37 of the '858 Patent.

31. D-Link directly infringes at least claims 1-7, 9, 10 and 13 of the '111 Patent by using, selling, offering to sell and/or importing the D-Link models DCS-930L and DCS-932L within the Commonwealth of Puerto Rico in violation of 35 USC 271(a).

32. OfficeMax directly infringes at least claims 1-7, 9, 10 and 13 of the '111 Patent by using, selling, offering to sell and/or importing the D-Link models DCS-930L and DCS-932L within the Commonwealth of Puerto Rico in violation of 35 USC 271(a).

33. D-link directly infringes at least claims 26, 28-30 and 37 of the '858 Patent by using, selling, offering to sell and/or importing the D-Link models DCS-930L and DCS-932L within the Commonwealth of Puerto Rico in violation of 35 USC 271(a).

34. OfficeMax directly infringes at least claims 26, 28-30 and 37 of the '858 Patent by using, selling, offering to sell and/or importing the D-Link models DCS-930L and DCS-932L within the Commonwealth of Puerto Rico in violation of 35 USC 271(a).

INDUCING INFRINGEMENT

35. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 14-34.

36. D-Link has had knowledge of the '111 patent and therefore of its infringement at least as of service of the present complaint.

37. D-Link indirectly infringes at least claims 1-7, 9, 10 and 13 of the '111 patent by actively inducing customers to infringe on the '111 patent at least by using the D-Link models DCS-930L and DCS-932L in violation of 35 USC 271(b).

38. OfficeMax has had knowledge of the '111 patent and therefore of its infringement at least as of service of the present complaint.

39. OfficeMax indirectly infringes at least claims 1-7, 9, 10 and 13 of the '111 patent by actively inducing customers to infringe on the '111 patent at least by using the D-Link models DCS-930L and DCS-932L in violation of 35 USC 271(b).

CONTRIBUTORY INFRINGEMENT

40. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 14-39.

41. D-Link models DCS-930L and DCS-932L are components of a patented machine covered by one or more of claims 1-7, 9, and 10 of the '111 Patent, constitute a material part of the invention and are not a staple article or commodity of commerce.
42. D-Link models DCS-930L and DCS-932L are apparatuses for use in practicing a patented process covered by claim 13 of the '111 Patent, constitute a material part of the invention and are not a staple article or commodity of commerce.
43. D-Link models DCS-930L and DCS-932L are components of a patented machine covered by one or more of claims 1-26 of the '858 Patent, constitute a material part of the invention and are not a staple article or commodity of commerce.
44. D-Link models DCS-930L and DCS-932L are apparatuses for use in practicing a patented process covered by one or more of claims 28-37 of the '858 Patent, constitute a material part of the invention and are not a staple article or commodity of commerce.
45. D-Link and OfficeMax have known D-Link models DCS-930L and DCS-932L were especially designed or especially adapted for use in the infringement of the '111 and '858 Patents at least as of service of the present complaint.
46. D-Link contributes to the direct infringement by others, such as their customers, of one or more of claims 1-7, 9, 10 and 13 of the '111 Patent in violation of 35 USC 271(c).
47. D-Link contributes to the direct infringement by others, such as their customers, of one or more of claims 1-37 of the '858 Patent in violation of 35 USC 271(c).
48. OfficeMax contributes to the direct infringement by others, such as their customers, of one or more of claims 1-7, 9, 10 and 13 of the '111 Patent in violation of 35 USC 271(c).

49. OfficeMax contributes to the direct infringement by others, such as their customers, of one or more of claims 1-37 of the '858 Patent in violation of 35 USC 271(c).

DEMAND FOR JURY TRIAL

Canatelo demands a trial by jury of any and all causes of action.

PRAYER FOR RELIEF

WHEREFORE, Canatelo prays for the following relief:

1. That Defendants be adjudged to have infringed the '111 and '858 patents, directly and/or indirectly, by way of inducement and/or contributory infringement, literally and/or under the doctrine of equivalents;
2. That Defendants, their officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be preliminarily and permanently restrained and enjoined from directly and/or indirectly infringing the '111 and '858 patents;
3. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate Canatelo for the Defendants' past infringement and any continuing or future infringement up until the date that Defendants are finally and permanently enjoined from further infringement, including compensatory damages;
4. An assessment of pre-judgment and post-judgment interest and costs against Defendants, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;

5. That Defendants be directed to pay enhanced damages, including, but not limited to Canatelo's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285; and
6. That Canatelo have such other and further relief as this Court may deem just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 25th day of May, 2012.

/s/Eugenio J. Torres-Oyola
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