

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

POWERLINE INNOVATIONS, LLC,
Plaintiff,
v.
(1) IC INTRACOM HOLDINGS, LLC; and
(2) IC INTRACOM USA, LLC,
Defendants.

Civil Action No. 6:12-cv-596

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

1. Plaintiff Powerline Innovations, LLC ("Plaintiff"), by and through its undersigned counsel, files this Original Complaint against IC Intracom Holdings, LLC and IC Intracom USA, LLC (collectively, "Intracom," or "Defendants").

NATURE OF THE ACTION

2. This is a patent infringement action to stop Defendants' infringement of Plaintiff's United States Patent No. 5,471,190 titled "Method and Apparatus for Resource Allocation in a Communication Network System" ((the "'190 Patent"), a copy of which is attached hereto as Exhibit A). Plaintiff is the assignee of the '190 Patent. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

3. Plaintiff is a limited liability company organized and existing under the laws of the State of Texas. Plaintiff is principally located at 555 Republic Drive, Suite 200, Plano, TX 75074. Plaintiff is authorized to do business in Texas. Plaintiff is the assignee of the '190 Patent, and possesses the right to sue for infringement and recover past damages.

4. On information and belief, Defendants are limited liability companies organized and existing under the laws of Delaware, each with a principal place of business at 550 Commerce Boulevard, Oldsmar, Florida 34677. Intracom can be served with process through their registered agent, National Registered Agents, Inc., 160 Greentree Dr., Suite 101, Dover, Delaware 19904.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

6. The Court has personal jurisdiction over Defendants because of at least the following: Defendants have minimum contacts within the State of Texas and the Eastern District of Texas; Defendants have purposefully availed themselves of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Defendants have sought protection and benefit from the laws of the State of Texas; Defendants regularly conduct business within the State of Texas and within the Eastern District of Texas; and Plaintiff's cause of action arises directly from Defendants' business contacts and other activities in the State of Texas and in the Eastern District of Texas.

7. More specifically, Defendants, directly and/or through intermediaries, ship, distribute, offers for sale, sell, and/or advertise (including the provision of an interactive web page) their products and services in the United States, the State of Texas, and the Eastern District of Texas. Upon information and belief, Defendants have committed patent infringement in the State of Texas and in the Eastern District of Texas, have contributed to patent infringement in the State of Texas and in the Eastern District of Texas, and/or have induced others to commit patent infringement in the State of Texas and in the Eastern District of Texas. Defendants solicit and

have solicited customers in the State of Texas and in the Eastern District of Texas. Defendants have many paying customers who are residents of the State of Texas and the Eastern District of Texas and who each use and have used the respective Defendants' products and services in the State of Texas and in the Eastern District of Texas.

8. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I – PATENT INFRINGEMENT

9. The '190 Patent was duly and legally issued by the United States Patent and Trademark Office on November 28, 1995, after full and fair examination. Plaintiff is the assignee of the '190 Patent, and possesses all rights of recovery under the '190 Patent with respect to the Defendants, including the right to sue for infringement and recover past damages.

10. Upon information and belief, Defendants have infringed and continue to infringe one or more claims of the '190 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by making, using, providing, offering to sell, and selling (directly or through intermediaries) Intracom products, including, without limitation, Powerline AV500 Ethernet Adapter (Item: 506557) products, which employ methods for establishing control relationships between plural devices in a home electrical system covered by one or more claims of the '190 Patent to the injury of Plaintiff.

11. Defendants have undertaken aforesaid activities without authority and/or license from Plaintiff.

12. Plaintiff is entitled to recover from the Defendants the damages sustained by Plaintiff as a result of the Defendants' wrongful acts in an amount subject to proof at trial, which,

by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

13. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against the Defendants, and that the Court grant Plaintiff the following relief:

A. An adjudication that one or more claims of the '190 Patent have been infringed, either literally and/or under the doctrine of equivalents, by the Defendants and/or by others to whose infringement the Defendants have contributed and/or by others whose infringement has been induced by the Defendants;

B. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendants' acts of infringement together with pre-judgment and post-judgment interest;

C. That the Defendants' acts of infringement be found to be willful from the time that the Defendants became aware of the infringing nature of its actions, which is the time of filing of Plaintiff's Original Complaint, at the latest, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;

D. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. §285; and

E. Any further relief that this Court deems just and proper.

Respectfully submitted,

Dated: September 4, 2012

By: /s/ Hao Ni
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