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8 **UNITED STATES DISTRICT COURT**  
 9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 Fourte Design & Development, LLC, a  
 California limited liability company,

11 Plaintiff,

12 v.

13 Innolight Technology Corporation, a Chinese  
 14 corporation,

15 Defendant.

Case No. '13CV0176 AJB BGS

**COMPLAINT FOR PATENT  
 INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

17 Plaintiff Fourte Design & Development, LLC alleges as follows against Defendant  
 18 Innolight Technology Corporation:

19 **PARTIES**

20 1. Plaintiff Fourte Design & Development, LLC ("Plaintiff") is a California limited  
 21 liability company organized and existing under the laws of the State of California, with offices at  
 22 7139 Koll Center Parkway, Suite 250, Pleasanton, California 94566.

23 2. Defendant Innolight Technology Corporation ("Defendant") is, on information and  
 24 belief, a Chinese corporation doing business in the United States, the State of California and  
 25 within this judicial district, including without limitation by and through its subsidiary and/or  
 26 affiliate companies, sales offices and research and development (R&D) centers in San Jose,  
 27 California, Sunnyvale, California and Cupertino, California.

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**JURISDICTION AND VENUE**

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3. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. sections 1, *et seq.*

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. sections 1331, 1338(a).

5. This Court has personal jurisdiction over Defendant and venue in this judicial district is proper because, on information and belief, Defendant engages in continuous and systematic business within the United States and within this judicial district and/or Defendant has placed infringing products into the stream of commerce by selling and/or offering to sell products into the United States and this judicial district with knowledge that such products would be shipped into and/or used in the United States and this judicial district.

**THE PATENT-IN-SUIT**

6. U.S. Patent No. 6,872,010, entitled "Fiber Optic Connector Release Mechanism" (the "'010 Patent") was duly and legally granted on March 29, 2005. A true and correct copy of the '010 Patent is attached as **Exhibit A**.

7. At all times relevant to this action, Plaintiff is and has been the owner, by assignment, of all right, title and interest in the '010 Patent.

**COUNT I—INFRINGEMENT OF U.S. PATENT NO. 6,872,010**

8. Plaintiffs re-allege and incorporates paragraphs 1 through 7 above.

9. On information and belief, Defendant has been and is now directly infringing the '010 Patent pursuant to 35 U.S.C. section 271(a) in the State of California, this judicial district and elsewhere in the United States by designing, making, manufacturing, operating, using, offering for sale, and/or selling within the United States and/or importing into the United States, one or more devices (the "Infringing Devices") that are covered by the inventions claimed in the '010 Patent.

10. The Infringing Devices include, without limitation, the Innolight product designated as a 40Gb/s QSFP+ LR4 Optical Transceiver, TR-QQ131-NOO.

11. On information and belief, Defendant has been and is now indirectly infringing the '010 Patent pursuant to 35 U.S.C. section 271(b) and/or (c) by intentionally inducing infringement

1 and/or contributing to the infringement of the '010 Patent in the State of California, this judicial  
2 district and elsewhere in the United States by providing and/or selling the Infringing Devices to  
3 customers and/or users of those products.

4 12. Defendant is liable for infringement of the '010 Patent pursuant to 35 U.S.C.  
5 section 271(a), (b) and/or (c).

6 13. Plaintiff has been damaged and injured by Defendant's infringement of the '010  
7 Patent. Because of its infringing acts and for its unauthorized use of the inventions claimed in the  
8 '010 Patent, Defendant is liable to Plaintiff for damages in an amount no less than a reasonable  
9 royalty.

10 14. Defendant's infringement of the '010 Patent has caused and will continue to cause  
11 irreparable harm to Plaintiff, for which Plaintiff has no adequate remedy at law, unless Defendant  
12 is permanently enjoined from further infringement.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff prays for judgment:

- 15 1. Adjudging that Defendant have infringed one or more claims of the '010 Patent;  
16 3. Permanently enjoining Defendant and its officers, agents, servants, employees,  
17 attorneys and all others in active concert or participation with them from further infringement of  
18 Plaintiff's patent rights;  
19 4. Awarding Plaintiff damages adequate to compensate it for Defendant's  
20 infringement, but in no event less than a reasonable royalty;  
21 5. Awarding Plaintiff pre-judgment and post-judgment interest; and  
22 6. Awarding Plaintiff such other and further relief as this Court deems just and  
23 equitable.

24 DATED: January 23, 2013

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial of all claims triable by a jury.

DATED: January 23, 2013

SOLOMON WARD SEIDENWURM & SMITH, LLP

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