

1 David J.F. Gross (CA 290951)
2 Email: David.Gross@FaegreBD.com
3 Calvin L. Litsey (CA 289659)
4 Email: Calvin.Litsey@FaegreBD.com
5 FAEGRE BAKER DANIELS LLP
6 1950 University Avenue, Suite 450
7 East Palo Alto, CA 94303
8 Telephone: (650) 324-6700
9 Fax: (650) 324-6701

7 Kenneth A. Liebman (CA 090438)
8 Email: Ken.Liebman@FaegreBD.com
9 FAEGRE BAKER DANIELS LLP
10 2200 Wells Fargo Center
11 90 South 7th Street
12 Minneapolis, MN 55402
13 Telephone: (612) 766-8800
14 Fax: (612) 766-1600

15 *Attorneys for JDS Uniphase Corporation*

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 JDS UNIPHASE CORPORATION,)
19)
20 Plaintiffs,)
21)
22 vs.)
23)
24 COADNA PHOTONICS, INC.,)
25)
26 Defendant.)
27)
28)

Case No. _____

COMPLAINT

DEMAND FOR JURY TRIAL

Yes No

1 Plaintiff JDS Uniphase Corporation (“Plaintiff”) for their Complaint against Defendant CoAdna
2 Photonics, Inc. alleges as follows:

3
4 **PARTIES**

5 1. Plaintiff JDS Uniphase Corporation (“JDSU”) is a Delaware corporation with a principal
6 place of business at 430 N. McCarthy Blvd., Milpitas, CA 95035.

7 2. On information and belief, Defendant CoAdna Photonics, Inc. (“CoAdna”) is a California
8 corporation with a principal place of business at 733 Palomar Avenue, Sunnyvale, CA 94085.

9 **JURISDICTION AND VENUE**

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

12 4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and
13 1338(a).

14 5. This Court has both general and specific jurisdiction over CoAdna. On information and
15 belief, CoAdna transacts business and has continuous and systematic contacts in this Judicial
16 District, maintains an ongoing presence in this Judicial District, and has committed acts of patent
17 infringement in this Judicial District.

18 6. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

19 **INTRADISTRICT ASSIGNMENT**

20 7. This Complaint includes an Intellectual Property Action for Patent Infringement, which is
21 an excepted category under Civil Local Rule 3-2(c). Consequently, this case is to be assigned on
22 a district-wide basis.

23 **FACTS**

24 8. On December 22, 2002, U.S. Patent No. 6,498,872 (“the ‘872 patent”), entitled “Optical
25 Configuration for a Dynamic Gain Equalizer and a Configurable Add/Drop Multiplexer” was
26 duly and lawfully issued by the United States Patent and Trademark Office. JDSU was assigned
27
28

1 and currently holds all right, title and interest in the '872 patent, including the right to sue for and
2 collect past damages. A true and correct copy of the '872 patent is attached at Exhibit 1.

3 9. On January 9, 2007, U.S. Patent No. 7,162,115 ("the '115 patent"), entitled "Multiport
4 Wavelength-Selective Optical Switch" was duly and lawfully issued by the United States Patent
5 and Trademark Office. JDSU was assigned and currently holds all right, title and interest in the
6 '115 patent, including the right to sue for and collect past damages. A true and correct copy of
7 the '115 patent is attached at Exhibit 2.

8 10. On information and belief, CoAdna is a subsidiary of CoAdna Holdings, Inc., a Cayman
9 Islands corporation, and makes and sells optical communications and networking equipment.

10 11. On information and belief, CoAdna has made, used, offered to sell, and/or sold within the
11 United States, and/or imported into the United States products referred to by CoAdna as its
12 Wavelength Selective Switch ("WSS") products, including at least the 50GHz and 100GHz
13 channel spacing models. On information and belief, the technology used in CoAdna's WSS
14 products is sometimes referred to by CoAdna as CoAdna's LightFlow™ technology, which,
15 upon information and belief is incorporated into other CoAdna products. On information and
16 belief, CoAdna's WSS products can be used in fixed and flexible grids.

17 **COUNT I**

18 **INFRINGEMENT OF THE '872 PATENT**

19 12. Plaintiff reaffirms and realleges the allegations set forth in Paragraphs 1-11 above.

20 13. At least as of on or about June 27, 2013, CoAdna has had knowledge of the '872 patent
21 and of its infringement of the '872 patent.

22 14. CoAdna's WSS products embody and are covered by at least one claim of the '872
23 patent.

24 15. On information and belief, CoAdna has directly infringed and is directly infringing at
25 least one claim of the '872 patent under 35 U.S.C. § 271(a) by making, using, offering to sell,
26 and/or selling within the United States and/or importing into the United States its WSS products.

1 16. CoAdna will continue to directly infringe the '872 patent unless and until CoAdna is
2 enjoined by this Court.

3 17. Plaintiff has sustained damages as a direct and proximate result of CoAdna's infringing
4 activities.

5 18. Plaintiff will suffer and is suffering irreparable harm from CoAdna's infringing activities.
6 Plaintiff has no adequate remedy at law and is entitled to an injunction against CoAdna's
7 continuing infringement of the '872 patent.

8 19. CoAdna's infringement of the '872 patent was and is willful.

9 **COUNT II**

10 **INFRINGEMENT OF THE '115 PATENT**

11 20. Plaintiff reaffirms and realleges the allegations set forth in Paragraphs 1-19 above.

12 21. CoAdna's WSS products embody and are covered by at least one claim of the '115
13 patent.

14 22. On information and belief, CoAdna has directly infringed and is directly infringing at
15 least one claim of the '115 patent under 35 U.S.C. § 271(a) by making, using, offering to sell,
16 and/or selling within the United States and/or importing into the United States its WSS products.

17 23. CoAdna will continue to directly infringe the '115 patent unless and until CoAdna is
18 enjoined by this Court.

19 24. Plaintiff has sustained damages as a direct and proximate result of CoAdna's infringing
20 activities.

21 25. Plaintiff will suffer and is suffering irreparable harm from CoAdna's infringing activities.
22 Plaintiff has no adequate remedy at law and is entitled to an injunction against CoAdna's
23 continuing infringement of the '115 patent.

24 **PRAYER FOR RELIEF**

25 Wherefore, Plaintiff requests entry of a judgment against CoAdna granting the following
26 relief:
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- A. Finding CoAdna liable for infringement of the '872 and '115 patents;
- B. Awarding Plaintiff damages adequate to compensate them for CoAdna's infringement of the '872 and '115 patents, including lost profits and no less than a reasonable royalty;
- C. Declaring CoAdna's infringement to be willful and awarding Plaintiff treble damages;
- D. Declaring this an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Plaintiff its reasonable attorneys' fees, costs and disbursements;
- E. Awarding Plaintiff interest on all damages awarded;
- F. Preliminarily and permanently enjoining CoAdna, together with any of its officers, agents, servants, employees, and attorneys and such other persons or entities in active concert or participation with them who receive actual notice of the order, from further infringement of the '872 and '115 patents; and
- G. Awarding to Plaintiff such other relief as is just and proper.

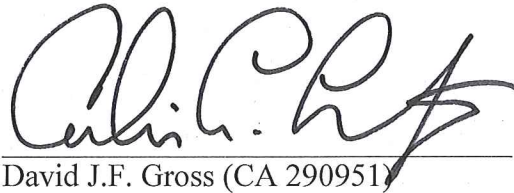
FAEGRE BAKER DANIELS, LLP
1950 EAST UNIVERSITY AVE, SUITE 450
EAST PALO ALTO, CA 94303
TELEPHONE: (650) 324-6700

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues triable by a jury.

Dated: March 7, 2014



David J.F. Gross (CA 290951)
Calvin L. Litsey (CA 289659)
Faegre Baker Daniels LLP
1950 University Avenue, Suite 450
East Palo Alto, CA 94303
(650) 324-6700
(650) 324-6701 Fax

Kenneth A. Liebman (CA 090438)
Faegre Baker Daniels LLP
2200 Wells Fargo Center
90 South 7th Street
Minneapolis, MN 55402
(612) 766-1000
(612) 766-1600 Fax

Attorneys for JDS Uniphase Corporation