

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PPC BROADBAND, INC.,

Plaintiff,

-vs-

**CORNING OPTICAL
COMMUNICATIONS RF LLC,**

Defendant.

Civil Action No. . 5:16-cv-162 (BKS/TWD)

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff PPC Broadband, Inc. (“PPC”), by its attorneys, Barclay Damon, LLP, as and for its Complaint against the defendant, Corning Optical Communications RF LLC (“Corning”), alleges as follows:

Nature of Action

1. This action, brought under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, seeks relief arising out of Corning’s infringement of U.S. Patent Nos. 8,075,338, 8,366,481, 8,469,740, 8,475,205, 8,480,431, and 8,485,845 (collectively, the “Patents-in-Suit”), of which PPC is the owner by assignment.

Parties

2. PPC is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 6176 East Molloy Road, East Syracuse, New York.

3. Upon information and belief, Corning is a limited liability company organized and existing under the laws of the State of Delaware, with its principal place of business at 5310 W. Camelback Road, Glendale, Arizona.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction over the asserted claims pursuant to 28 U.S.C. §§ 1331 and 1338, and 35 U.S.C. § 281.

5. This Court has personal jurisdiction over Corning, which regularly engages in extensive business transactions and solicitations in the State of New York and within this District, has contracted to supply goods and services within this District, and/or has committed acts of patent infringement in this District by making, selling and/or offering to sell, directly and/or through its agents or distributors, products that infringe one or more of the claims of one or more of PPC's patents.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and/or 1400, because, upon information and belief, a substantial part of the events or omissions giving rise to the claims occurred in this District.

Factual Allegations

The Industry

7. PPC is a worldwide leader in the design and manufacture of coaxial cable connectors for the cable and telecommunication industries.

8. PPC invests a substantial amount of capital in product development and improvement to maintain its position as a leading producer of innovative cable connector products.

9. Coaxial cable connectors are used to link coaxial cable between various electronic devices, including televisions, set top boxes, and broadband modems.

10. PPC's cable connectors are used indoors and outdoors to connect cables from external sources (*e.g.*, a utility pole) to end-user electronic devices.

11. Due to the high cost of labor associated with installing and maintaining cable connections, manufacturers of coaxial cable connectors attempt to design connectors that allow installers to create a long-term, reliable connection as quickly and easily as possible.

The Patents-in-Suit

12. On October 18, 2010, PPC filed a patent application on the invention of Noah Montena, U.S. Patent Application Serial No. 12/906,503 (the “’503 Application”), entitled “Connector Having A Constant Contact Post.”

13. On December 13, 2011, the ’503 Application resulted in the issuance of U.S. Patent No. 8,075,338 (the “’338 Patent”). The ’338 Patent was assigned to PPC. PPC is the sole owner of, and has the sole right to sue upon, the ’338 Patent. A copy of the ’338 Patent is filed herewith as Exhibit A.

14. On March 30, 2011, PPC filed a patent application on the invention of Trevor Ehret, Richard A. Haube, Noah Montena, and Souheil Zraik, U.S. Patent Application Serial No. 13/075,406 (the “’406 Application”), entitled “Continuity Maintaining Biasing Member.”

15. On February 5, 2013, the ’406 Application resulted in the issuance of U.S. Patent No. 8,366,481 (the “’481 Patent”). The ’481 Patent was assigned to PPC. PPC is the sole owner of, and has the sole right to sue upon, the ’481 Patent. A copy of the ’481 Patent is filed herewith as Exhibit B.

16. On December 24, 2012, PPC filed a patent application on the invention of Trevor Ehret, Richard A. Haube, Noah Montena, and Souheil Zraik, U.S. Patent Application Serial No. 13/726,347 (the “’347 Application”), entitled “Continuity Maintaining Biasing Member.”

17. On June 25, 2013, the ’347 Application resulted in the issuance of U.S. Patent No. 8,469,740 (the “’740 Patent”). The ’740 Patent was assigned to PPC. PPC is the sole owner of,

and has the sole right to sue upon, the '740 Patent. A copy of the '740 Patent is filed herewith as Exhibit C.

18. On December 24, 2012, PPC filed a patent application on the invention of Trevor Ehret, Richard A. Haube, Noah Montena, and Souheil Zraik, U.S. Patent Application Serial No. 13/726,349 (the "'349 Application"), entitled "Continuity Maintaining Biasing Member."

19. On July 2, 2013, the '349 Application resulted in the issuance of U.S. Patent No. 8,475,205 (the "'205 Patent"). The '205 Patent was assigned to PPC. PPC is the sole owner of, and has the sole right to sue upon, the '205 Patent. A copy of the '205 Patent is filed herewith as Exhibit D.

20. On December 24, 2012, PPC filed a patent application on the invention of Trevor Ehret, Richard A. Haube, Noah Montena, and Souheil Zraik, U.S. Patent Application Serial No. 13/726,339 (the "'339 Application"), entitled "Continuity Maintaining Biasing Member."

21. On July 9, 2013, the '339 Application resulted in the issuance of U.S. Patent No. 8,480,431 (the "'431 Patent"). The '431 Patent was assigned to PPC. PPC is the sole owner of, and has the sole right to sue upon, the '431 Patent. A copy of the '431 Patent is filed herewith as Exhibit E.

22. On December 24, 2012, PPC filed a patent application on the invention of Trevor Ehret, Richard A. Haube, Noah Montena, and Souheil Zraik, U.S. Patent Application Serial No. 13/726,356 (the "'356 Application"), entitled "Continuity Maintaining Biasing Member."

23. On July 16, 2013, the '356 Application resulted in the issuance of U.S. Patent No. 8,485,845 (the "'845 Patent"). The '845 Patent was assigned to PPC. PPC is the sole owner of, and has the sole right to sue upon, the '845 Patent. A copy of the '845 Patent is filed herewith as Exhibit F.

24. PPC has not licensed Corning to practice the Patents-in-Suit and Corning has no right or authority to license others to practice the Patents-in-Suit.

25. Corning has actual notice of its infringement of the Patents-in-Suit at least as a result of the commencement of this action.

Count I
(Infringement of the '338 Patent)

26. PPC repeats and reasserts all allegations contained in Paragraphs 1 through 25 above as if they were stated in full herein.

27. Corning has infringed at least claims 5, 6, and 8 of the '338 Patent, within the meaning of 35 U.S.C. § 271, by making, using, selling, offering for sale, and/or importing coaxial cable connectors, including, but not necessarily limited to, Corning's UltraShield series connectors that bear model numbers such as GF-URS-6 (NS-11788-1), GF-URS-6-K (NS-11880), GF-URS-6-SR (NS-11878), and Corning's EFC series connectors that bear model numbers such as GF-EFC-59 (NS-12039-1), GF-EFC-59-K (NS-12044-1), GF-EFC-59-SR (NS-12043-1), GF-EFC-6 (NS-12045-1), GF-EFC-6-K (NS-12050-1), and GF-EFC-6-SR (NS-12049-1).

28. Corning's acts of infringement cause PPC irreparable harm and damages in an amount to be proven at trial, including lost sales, lost profits, lost sales opportunities, and loss of goodwill.

29. Upon information and belief, Corning's unlawful infringing activity will continue unless and until Corning is enjoined by this Court from further infringement, and such infringement will be willful, deliberate, and intentional.

30. Corning's continuing infringement will cause PPC further irreparable harm and damages, and entitle it to recover, among other things, treble damages, attorney fees, and costs.

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