

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

CHRIMAR SYSTEMS, INC., ET AL.,  Plaintiffs,  v.  ALCATEL-LUCENT S.A., ET AL.,  Defendants.	6:15-CV-00163-JDL LEAD CASE  Patent Case  <b>Jury Trial Demanded</b>
v. AMX, LLC.	6:15-CV-00164-JDL (consolidated case)

**FIRST AMENDED COMPLAINT**

Chrimar Systems Inc. d/b/a CMS Technologies (“Chrimar”) and Chrimar Holding Company, LLC (“Holding”) file this First Amended Complaint (“the Complaint”) against consolidated Defendant AMX, LLC (“AMX”) for infringement of United States Patent Nos. 8,155,012 (“the ’012 Patent”), 8,942,107 (“the ’107 Patent”), 8,902,760 (“the ’760 Patent”), and 9,019,838 (“the ’838 Patent”).

**THE PARTIES**

1. Chrimar is a Michigan corporation with a place of business located at 36528 Grand River Avenue, Suite A-1, Farmington Hills, Michigan 48335.
2. Holding is a Texas limited liability company with a place of business located at 911 NW Loop 281, Suite 211-30, Longview, Texas 75604.
3. Chrimar and Holding are collectively referred to as “Plaintiffs” or “CMS.”

4. AMX, LLC is a Delaware corporation with its principal place of business located at 3000 Research Drive, Richardson, Texas 75082. This Court has personal jurisdiction over AMX.

### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, 35 U.S.C. § 101 *et seq.*
6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).
8. This Court has personal jurisdiction over AMX because AMX has engaged in continuous and systematic activities in the state of Texas, including in this district. In addition, AMX has committed, and continues to commit acts of infringement in the state of Texas, including in this district.

### **PATENTS-IN-SUIT**

9. Chrimar is the owner and assignee of the '012 Patent, entitled "System and Method for Adapting a Piece of Terminal Equipment" and Holding is the exclusive licensee of the '012 Patent. CMS owns all substantial rights in the '012 Patent. A true and correct copy of the '012 Patent is attached as Exhibit A.
10. The '012 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.
11. Chrimar is the owner and assignee of the '107 Patent, entitled "Piece of Ethernet Terminal Equipment" and Holding is the exclusive licensee of the '107 Patent. CMS has ownership of all substantial rights in the '107 Patent. A true and correct copy of the '107 Patent is attached as Exhibit B.

12. The '107 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.
13. Chrimar is the owner and assignee of the '760 Patent, entitled "Network System and Optional Tethers" and Holding is the exclusive licensee of the '760 Patent. CMS owns all substantial rights in the '760 Patent. A true and correct copy of the '760 Patent is attached as Exhibit C.
14. The '760 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.
15. Chrimar is the owner and assignee of the '838 Patent, entitled "Central Piece of Network Equipment" and Holding is the exclusive licensee of the '838 Patent. CMS owns all substantial rights in the '838 Patent. A true and correct copy of the '838 Patent is attached as Exhibit D.
16. The '838 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.
17. The '012, '107, '760, and '838 Patents are collectively "the Patents-in-Suit."

**AMX's ACCUSED PRODUCTS**

18. Upon information and belief, AMX makes, uses, offers to sell, sells, and/or imports powered devices ("PDs") that comply with IEEE 802.3af and/or 802.3at. Such products include, but are not limited to, wireless access points (the NXA products), touch/control panels (e.g., the Modero products), docking stations (e.g., the MVP products), wireless gateways (e.g., the ZigBee products), audio/video receivers (e.g., the DTV products), keypads and control pads (e.g., the Metreau and Novara products), content sharing

devices (e.g., the Enzo products), entry communicators (e.g., the Metreau products), control pads (e.g., the Massio and Novara products), communications gateways (e.g., the NetLinx products), LAN control boxes (e.g., the EXB products), the multi-format transmitters/switches (e.g., the DXLink products), encoder/decoders (e.g., the MAX-CS products), phone controllers (e.g., the NXV-CPI products), and PoE extractors (e.g., the PS-PoE products), collectively the “Accused PD Products.”

19. Upon information and belief, AMX makes, uses, offers to sell, sells, and/or imports power sourcing equipment (“PSEs”) that comply with IEEE 802.3af and/or 802.3at. Such products include, but are not limited to, Ethernet switches (e.g., the NXA products), media switches (e.g., the Enova products), midspans, and PoE injectors (e.g., the DXLink power sourcing products), collectively the “Accused PSE Products.”
20. The Accused PD Products and the Accused PSE Products are collectively the Accused Products.
21. Upon information and belief, the Accused Products are offered for sale and sold throughout the United States, including within the Eastern District of Texas.
22. AMX has purposefully and voluntarily placed the Accused Products into the stream of commerce with the expectation that these products will be purchased and used by end users in the United States, including end users in the Eastern District of Texas.
23. AMX provides direct and indirect support concerning the Accused Products to end users, including end users within the Eastern District of Texas.

**COUNT I**

**INFRINGEMENT OF U.S. PATENT NO. 8,155,012**

24. CMS incorporates paragraphs 1 through 233 herein by reference.
25. AMX has and continues to directly infringe the '012 Patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States the Accused PD Products.
26. AMX has and continues to indirectly infringe the '012 Patent in violation of 35 U.S.C. § 271(b) by inducing its partners, customers, distributors, and/or end users to use, offer for sale, and sell the Accused PD Products, and therefore AMX induces others to directly infringe the '012 Patent.
27. End users that use the Accused PD Products directly infringe the '012 Patent.
28. AMX has been on notice of the '012 Patent since at least as early as November of 2013.
29. AMX has not produced or relied upon an opinion of counsel suggesting that the '012 Patent is invalid or that the Accused PD Products do not infringe the '012 Patent.
30. CMS has been damaged as a result of AMX's infringing conduct described in this Count.

**COUNT II**

**INFRINGEMENT OF U.S. PATENT NO. 8,942,107**

31. CMS incorporates paragraphs 1 through 30 herein by reference.
32. AMX has and continues to directly infringe the '107 Patent in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, selling, and/or importing into the United States the Accused PD Products.

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