

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

CHRIMAR SYSTEMS, INC., d/b/a CMS TECHNOLOGIES and CHRIMAR HOLDING COMPANY, LLC,  Plaintiffs,  v.  ARROWSPAN, INC., a California corporation,  Defendant.	Civil Action No.  PATENT CASE  JURY TRIAL DEMANDED
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**COMPLAINT**

Plaintiffs Chrimar Systems, Inc. d/b/a CMS Technologies ("Chrimar") and Chrimar Holding Company, LLC ("Holding") file this Complaint against the above-named Defendant for infringement of United States Patent Nos. 8,155,012 ("the '012 Patent"), 8,942,107 ("the '107 Patent") and 9,049,019 ("the '019 Patent"), collectively the "Patents-in-Suit."

**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 211-14, Longview, Texas 75604.
3. Chrimar and Holding are collectively referred to as "Plaintiffs" or CMS.
4. ArrowSpan, Inc. ("ArrowSpan") is a California corporation with a place of business located at 4800 Great American Parkway, Santa Clara, California 95054. This Court has personal jurisdiction over ArrowSpan.

### **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 ArrowSpan because ArrowSpan has engaged in continuous and systematic activities in the State of Texas, including in this district. In addition, ArrowSpan 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, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. 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 the 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, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. 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 '019 Patent, entitled "Network Equipment And Optional Tether" and Holding is the exclusive licensee of the '019 Patent. CMS has ownership of all substantial rights in the '019 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '019 Patent is attached as Exhibit C.

14. The '019 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

15. The '102, '107 and '019 Patents are collectively the "Patents-in-Suit."

#### **ARROWSPAN'S ACCUSED PRODUCTS**

16. Upon information and belief, ArrowSpan makes, uses, offers to sell, sells, and/or imports Power over Ethernet (PoE) powered devices (PDs) that comply with and/or are compatible with the IEEE 802.3af and/or 802.3at. Such product(s) include, but are not limited to, (collectively the "Accused Product(s)"):

Access Points	MeshAP™ 1100
	MeshAP™ 3800-A9
	MA3100 (MeshAP™ 3100 Series)
	MeshAP™ 3100G
	MeshAP™ 5100
	MeshBackhaulAP™ 2600

17. Upon information and belief, the Accused Products are offered for sale and sold throughout the United States, including within the Eastern District of Texas.

18. ArrowSpan 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.

19. ArrowSpan 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**

20. CMS incorporates paragraphs 1 through 19 herein by reference.

21. ArrowSpan 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 Products.

22. ArrowSpan 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 Products, and therefore ArrowSpan induces others to directly infringe the '012 Patent.

23. End users that use the Accused Products directly infringe the '012 Patent.

24. ArrowSpan has been on notice of the '012 Patent since at least the filing of this Complaint.

25. ArrowSpan has not produced or indicated that it intends to rely upon an opinion of counsel suggesting that the '012 Patent is invalid or that the Accused Products do not infringe the '012 Patent.

26. CMS has been and will continue to be damaged as a result of ArrowSpan's infringing conduct described in this Court.

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

27. CMS incorporates paragraphs 1 through 26 herein by reference.

28. ArrowSpan 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 Products.

29. ArrowSpan has and continues to directly infringe the '107 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 Products, and therefore ArrowSpan induces others to directly infringe the '107 Patent.

30. End users that use the Accused Products directly infringe the '107 Patent.

31. ArrowSpan has been on notice of the '107 Patent since at least the filing date of this Complaint.

32. ArrowSpan has not produced or indicated that it intends to rely upon an opinion of counsel suggesting that the '107 Patent is invalid or that the Accused Products do not infringe the '107 Patent.

33. CMS has been and will continue to be damaged as a result of ArrowSpan's infringing conduct described in this Court.

**COUNT III  
INFRINGEMENT OF U.S. PATENT NO. 9,049,019**

34. CMS incorporates paragraphs 1 through 33 herein by reference.

35. ArrowSpan has and continues to directly infringe the '019 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 Products.

36. ArrowSpan has and continues to directly infringe the '019 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 Products, and therefore ArrowSpan induces others to directly infringe the '019 Patent.

37. End users that use the Accused Products directly infringe the '019 Patent.

38. ArrowSpan has been on notice of the '019 Patent since at least the filing date of this Complaint.

39. ArrowSpan has not produced or indicated that it intends to rely upon an opinion of counsel suggesting that the '019 Patent is invalid or that the Accused Products do not infringe the '019 Patent.

40. CMS has been and will continue to be damaged as a result of ArrowSpan's infringing conduct described in this Court.

**ADDITIONAL ALLEGATIONS**

44. CMS has complied with 35 U.S.C. §287.

### **JURY DEMAND**

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

### **PRAYER FOR RELIEF**

CMS requests that this Court find in its favor and against ArrowSpan, and that this Court grant CMS the following relief;

- A. Enter judgment that ArrowSpan has infringed the '012 Patent;
- B. Enter judgment that ArrowSpan has infringed the '107 Patent;
- C. Enter judgment that ArrowSpan has infringed the '019 Patent;
- D. Award Plaintiffs damages in an amount adequate to compensate Plaintiffs for ArrowSpan's infringement of the '012, '107 and '019 Patents, but in no event less than a reasonable royalty in accordance with 35 U.S.C. §284;
- E. Award Plaintiffs pre-judgment and post-judgment interest to the full extent allowed under the law, as well as their costs;
- F. Declare that this is an exceptional case and award Plaintiffs their reasonable attorneys' fees incurred in this action;
- G. Enter an appropriate order requiring ArrowSpan to pay Plaintiffs ongoing royalties for any continued infringement of the '012, '107 and '019 Patents; and
- H. Award such other relief as the Court may deem appropriate and just under the circumstances.

Date: June 22, 2015

Respectfully submitted,

by /s/ Richard W. Hoffmann

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