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10 *Attorneys for Plaintiff*  
*BE Labs, Inc.*

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
13 **WESTERN DIVISION**

14 **BE Labs, Inc.,**

15 Plaintiff,

16 v.

17 **Actiontec Electronics, Inc.,**

18 Defendant.  
19  
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Case No. 2:19-cv-2636

**COMPLAINT – JURY TRIAL  
DEMANDED**

21 **Complaint for Patent Infringement**

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23 Plaintiff, **BE Labs, Inc.** (“BE Labs”), through its attorney, Isaac Rabicoff,  
24 complains of **Actiontec Electronics, Inc.** (“Actiontec”) and alleges the following:  
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**Parties**

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1. Plaintiff BE Labs, Inc. is a corporation organized and existing under the laws of New York that maintains its principal place of business at 1285 Greenbriar Lane, North Belmore, NY 11710.

2. Defendant Actiontec Electronics, Inc. is a corporation organized and existing under the laws of California that maintains its principal place of business at 3301 Olcott Street, Santa Clara, CA 95054.

**Jurisdiction**

3. This is an action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Actiontec because it has engaged in systematic and continuous business activities in the Eastern District of California. Specifically, Actiontec is incorporated in the state of California and provides its full range of services to residents in this District. As described below, Actiontec has committed acts of patent infringement giving rise to this action within this District.

**Venue**

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2           6.     Venue is proper in this District under 28 U.S.C. § 1400(b) because  
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4     Actiontec has committed acts of patent infringement in this District and is  
5     incorporated in the state of California. In addition, BE Labs has suffered harm in  
6     this District.

**Patents-in-Suit**

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10           7.     BE Labs is the assignee of all right, title and interest in United States  
11     Patent Nos. 7,827,581 (the “’581 Patent”) and 9,344,183 (the “’183 Patent”),  
12     collectively the “Patents-in-Suit,” including all rights to enforce and prosecute  
13     actions for infringement and to collect damages for all relevant times against  
14     infringers of the Patents-in-Suit. Accordingly, BE Labs possesses the exclusive  
15     right and standing to prosecute the present action for infringement of the Patents-in-  
16     Suit by Actiontec.  
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**THE ’581 PATENT**

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20           8.     On November 2, 2010, the United States Patent and Trademark Office  
21     issued the ’581 Patent. The ’581 Patent is titled “Wireless Multimedia System.” The  
22     application leading to the ’581 Patent was filed on February 28, 2001 and claims  
23     priority to a provisional application filed in 2000. A true and correct copy of the  
24     ’581 Patent is attached hereto as Exhibit A.  
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27           9.     The ’581 Patent is valid and enforceable.  
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1           10.    The invention claimed in the '581 Patent relates to a wireless  
2 distribution system for home or business use that receives signals that are then re-  
3 broadcast throughout the site by low energy transmissions to end units. Ex. A at  
4 1:24-29. A wireless media center receives signals from one or more sources, and the  
5 signals are broadcasted to video end units for televisions and radios, and  
6 communications end units for telephones and data. *Id.* at 1:54-56. Data channels tell  
7 the wireless distribution system which program and data signals should be sent. *Id.*  
8 at 1:57-58.

11           **The '183 Patent**

12           11.    On May 17, 2016, the United States Patent and Trademark Office  
13 issued the '183 Patent. The '183 Patent is titled "Wireless Multimedia System." The  
14 application leading to the '183 Patent was filed on October 1, 2010 and is a  
15 continuation of the application that issued as the '581 Patent. A true and correct  
16 copy of the '183 Patent is attached hereto as Exhibit B.

18           12.    The '183 Patent is valid and enforceable.

19           13.    The '183 Patent is related to the '581 Patent and, therefore, the  
20 invention in the '183 Patent also relates to a wireless distribution system for home or  
21 business use that receives signals that are then re-broadcast throughout the site by  
22 low energy transmissions to end units. Ex. B at 1:29-45.

25                           **COUNT I: INFRINGEMENT OF THE '581 PATENT**

26           14.    BE Labs incorporates the above paragraphs herein by reference.  
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1           15.    **Direct Infringement.** Actiontec has been and continues to directly  
2 infringe one or more claims of the '581 Patent in at least this District by making,  
3 using, offering to sell, selling and/or importing, without limitation, at least the AC5  
4 ("Exemplary Actiontec Products") that infringe at least exemplary claims 1, 6, and  
5 28 of the '581 Patent (the "Exemplary '581 Patent Claims") literally or by the  
6 doctrine of equivalence. On information and belief, numerous other devices that  
7 infringe the claims of the Patents-in-Suit have been made, used, sold, imported, and  
8 offered for sale by Actiontec and/or its customers.  
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11           16.    **Induced Infringement.** Actiontec actively, knowingly, and  
12 intentionally has been and continues to induce infringement of the '581 Patent,  
13 literally or by the doctrine of equivalence, by selling Exemplary Actiontec Products  
14 to their customers for use in end-user products in a manner that infringes one or  
15 more claims of the '581 Patent.  
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18           17.    **Contributory Infringement.** Actiontec actively, knowingly, and  
19 intentionally has been and continues materially contribute to their own customers'  
20 infringement of the '581 Patent, literally or by the doctrine of equivalence, by  
21 selling Exemplary Actiontec Products to their customers for use in end-user  
22 products in a manner that infringes one or more claims of the '581 Patent.  
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25           18.    The filing of this Complaint constitutes notice in accordance with 35  
26 U.S.C. § 287.  
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1           19.     Despite such notice, Actiontec continues to make, use, test, sell, offer  
2 for sale, market, and/or import into the United States, products that infringe the '581  
3 Patent. On information and belief, Actiontec has also continued to sell the  
4 Exemplary Actiontec Products and distribute product literature and website  
5 materials inducing end users and others to use its products in the customary and  
6 intended manner that infringes the '581 Patent. Thus, on information and belief,  
7 Actiontec is contributing to and/or inducing the infringement of the '581 Patent.  
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10           20.     Exhibit C includes charts comparing the Exemplary '581 Patent Claims  
11 to the AC5. As set forth in these charts, this Exemplary Actiontec Product practices  
12 the technology claimed by the '581 Patent. Accordingly, the Exemplary Actiontec  
13 Products incorporated in these charts satisfy all elements of the Exemplary '581  
14 Patent Claims.  
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17           21.     BE Labs therefore incorporates by reference in its allegations herein the  
18 claim charts of Exhibit C.  
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20           22.     BE Labs is entitled to recover damages adequate to compensate for  
21 Actiontec's infringement.  
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## 23                           **COUNT II: INFRINGEMENT OF THE '183 PATENT**

24           23.     BE Labs incorporates the above paragraphs herein by reference.  
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26           24.     **Direct Infringement.** Actiontec has been and continues to directly  
27 infringe one or more claims of the '183 Patent in at least this District by making,  
28 using, offering to sell, selling and/or importing, without limitation, at least the AC5

1 (“Exemplary Actiontec Products”) that infringe at least exemplary claim 1 of the  
2 ’183 Patent (the “Exemplary ’183 Patent Claim”) literally or by the doctrine of  
3 equivalence. On information and belief, numerous other devices that infringe the  
4 claims of the Patents-in-Suit have been made, used, sold, imported, and offered for  
5 sale by Actiontec and/or its customers.  
6

7         **25. Induced Infringement.** Actiontec actively, knowingly, and  
8 intentionally has been and continues to induce infringement of the ’183 Patent,  
9 literally or by the doctrine of equivalence, by selling Exemplary Actiontec Products  
10 to their customers for use in end-user products in a manner that infringes one or  
11 more claims of the ’183 Patent.  
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14         **26. Contributory Infringement.** Actiontec actively, knowingly, and  
15 intentionally has been and continues materially contribute to their own customers’  
16 infringement of the ’183 Patent, literally or by the doctrine of equivalence, by  
17 selling Exemplary Actiontec Products to their customers for use in end-user  
18 products in a manner that infringes one or more claims of the ’183 Patent.  
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21         **27.** The filing of this Complaint constitutes notice in accordance with 35  
22 U.S.C. § 287.  
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24         **28.** Despite such notice, Actiontec continues to make, use, test, sell, offer  
25 for sale, market, and/or import into the United States, products that infringe the ’183  
26 Patent. On information and belief, Actiontec has also continued to sell the  
27 Exemplary Actiontec Products and distribute product literature and website  
28

1 materials inducing end users and others to use its products in the customary and  
2 intended manner that infringes the '183 Patent. Thus, on information and belief,  
3 Actiontec is contributing to and/or inducing the infringement of the '183 Patent.  
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5 29. Exhibit D includes charts comparing the Exemplary '183 Patent Claim  
6 to the AC5. As set forth in these charts, this Exemplary Actiontec Product practices  
7 the technology claimed by the '183 Patent. Accordingly, the Exemplary Actiontec  
8 Products incorporated in these charts satisfy all elements of the Exemplary '183  
9 Patent Claim.  
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11 30. BE Labs therefore incorporates by reference in its allegations herein the  
12 claim charts of Exhibit D.  
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14 31. BE Labs is entitled to recover damages adequate to compensate for  
15 Actiontec's infringement.  
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### 17 **Jury Demand**

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19 Under Rule 38(b) of the Federal Rules of Civil Procedure, BE Labs  
20 respectfully requests a trial by jury on all issues so triable.  
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### 22 **Prayer for Relief**

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24 WHEREFORE, BE Labs respectfully requests the following relief:

25 A. A judgment that the '581 Patent and the '183 Patent are valid and  
26 enforceable.  
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1 B. A judgment that Actiontec has infringed, contributorily infringed, and/or  
2 induced infringement of one or more claims of the '581 Patent;

3 C. A judgment that Actiontec has infringed, contributorily infringed, and/or  
4 induced infringement of one or more claims of the '183 Patent;

5 D. An accounting of all damages not presented at trial;

6 E. A judgment that awards BE Labs all appropriate damages under 35  
7 U.S.C. § 284 for Actiontec's past infringement, and any continuing or  
8 future infringement of the Patents-in-Suit, up until the date such  
9 judgment is entered, including pre- or post-judgment interest, costs, and  
10 disbursements as justified under 35 U.S.C. § 284 and, if necessary, to  
11 adequately compensate BE Labs for Actiontec's infringement, an  
12 accounting:

13 i. that this case be declared exceptional within the meaning of 35  
14 U.S.C. § 285 and that BE Labs be awarded its reasonable attorneys'  
15 fees against Actiontec that it incurs in prosecuting this action;

16 ii. that BE Labs be awarded costs, and expenses that it incurs in  
17 prosecuting this action; and

18 iii. that BE Labs be awarded such further relief at law or in equity as the  
19 Court deems just and proper.  
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Dated: April 5, 2019

Respectfully submitted,

*/s/ Peter Corcoran*  
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