

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

NORTHERN DIVISION

MESH COMM, LLC)
1162 Fairway Gardens)
Atlanta, Georgia 30319)

Plaintiff,)

v.)

PEPCO ENERGY SERVICES)
1300 North 17th Street)
Suite 1600)
Arlington, Virginia 22209)

and)

PEPCO HOLDINGS, INC.)
701 9th Street N.W.)
Washington, D.C. 20068)

and)

SILVER SPRING NETWORKS)
555 Broadway Street)
Redwood City, California 94063)

Defendants.)

Civil Action No. _____
COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Mesh Comm, LLC (“Plaintiff”), for its complaint against Defendants PEPCO Energy Services (“PEPCO”), PEPCO Holdings, Inc. (“PHI”), and Silver Spring Networks (“Silver Spring”), collectively as (“Defendants”), hereby demands a jury trial and alleges as follows:

PARTIES

1. Plaintiff Mesh Comm, LLC, is a Limited Liability Company organized under the laws of the State of Delaware having its principal place of business at 1162 Fairway Gardens, Atlanta, Georgia 30319.

2. Upon information and belief, Defendant PEPCO Energy Services is a Delaware Corporation with its headquarters located at 1300 North 17th Street, Suite 1600, Arlington, Virginia 22209, and which engages in substantial business activity in the State of Maryland.

3. Upon information and belief, Defendant PEPCO Holdings, Inc. is a Delaware corporation with its headquarters located at 701 9th Street N.W., Washington, D.C. 20068. Through its subsidiaries, it generates substantial revenue from business conducted in the State of Maryland.

4. Upon information and belief, Defendant Silver Spring Networks is a Delaware corporation with its principal place of business at 555 Broadway Street, Redwood City, California 94063. It is believed that Defendant Silver Spring Networks sells or leases its products to the PEPCO Defendants for use and business activity in the State of Maryland.

JURISDICTION AND VENUE

5. This action arises under the Patent Laws of the United States, 35 U.S.C. §1, et seq. including 35 U.S. §§27(a), 281, 283, 284 and 285.

6. This Court has jurisdiction over this action pursuant to 29 U.S.C. §§ 1331, 1332(a)(1) and 1338(a).

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) and 28 U.S.C. § 1391(b) and (c) as the conduct complained of generally occurred in Maryland.

8. Upon information and belief, Defendants are subject to personal jurisdiction in the State of Maryland by virtue of, among other things, doing substantial business and committing acts of infringement in Maryland including in this Judicial district, through agents and representatives and/or otherwise having substantial contact with this State and this judicial district.

FACTUAL BACKGROUND

9. On May 27, 2008, United States Patent No. 7,379,981 entitled “WIRELESS COMMUNICATION ENABLED METER AND NETWORK” (the “981 Patent”), was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). A copy of the “981 Patent” is attached hereto as Exhibit A.

10. Mesh Comm, LLC is the assignee of the “981 Patent.”

COUNT ONE

Infringement of the “981 Patent” by Defendants

11. Paragraphs 1 through 10 are repeated and incorporated herein by reference as if fully set forth.

12. Upon information and belief, the Defendants have infringed and continue to infringe, either directly or through the doctrine of equivalents, one or more claims of the “981 Patent” by making, using, importing, providing, offering to sell, advertising

and/or selling (directly or through intermediaries), in this District and elsewhere in the United States, wireless communication enabled meters and networks. Upon information and belief, the Defendants have also contributed to the infringement of one or more claims of the “981 Patent,” in this District and elsewhere in the United States.

13. Each Defendant’s aforesaid activities have been without authority and/or license from Plaintiff.

14. Plaintiff is entitled to recover from each of the Defendants the damages sustained by Plaintiff as a result of the Defendants’ wrongful acts in an amount subject to proof at trial.

15. Upon information and belief, the infringement of one or more claims of the “981 Patent” by each of the Defendants is willful and deliberate. Upon information and belief, the inducement and contributory infringement of one or more claims of the “981 Patent” by each of the Defendants is willful and deliberate. As a result, Plaintiff is entitled to increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. §285 with respect to these Defendants.

16. Each Defendant’s infringement of the “981 Patent” will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

WHEREFORE, Plaintiff prays for a judgment against Defendants on all counts as follows:

- A. Finding that PEPCO has infringed, actively induced infringement of, and/or contributorily infringed one or more claims of the “981 Patent;”

- B. Enjoining PEPCO, its officers, agents, attorneys, servants, and those in privity with it, including distributors and customers, from infringing the “981 Patent;”
- C. Awarding damages in an amount adequate to compensate Plaintiff for PEPCO’s infringement of the “981 Patent;”
- D. Finding that Silver Spring Networks has infringed, actively induced infringement of, and/or contributorily infringed one or more claims of the “981 Patent;”
- E. Enjoining Silver Spring Networks, its officers, agents, attorneys, servants, and those in privity with it, including distributors and customers, from infringing the “981 Patent;”
- F. Awarding damages in an amount adequate to compensate Plaintiff for Silver Spring Networks’ infringement of the “981 Patent;”
- G. Finding that PHI has infringed, actively induced infringement of, and/or contributorily infringed one or more claims of the “981 Patent;”
- H. Enjoining PHI, its officers, agents, attorneys, servants, and those in privity with it, including distributors and customers, from infringing the “981 Patent;”
- I. Awarding damages in an amount adequate to compensate Plaintiff for PHI’s infringement of the “981 Patent;”
- J. Awarding enhanced damages pursuant to 35 U.S.C. §284;
- K. Awarding Plaintiff reasonable attorneys’ fees and costs pursuant to 35 U.S.C §285 and Rule 54(d) of the Federal Rules of Civil Procedure;

- L. Awarding prejudgment and post-judgment interest; and,
- M. Granting such other and further relief as the Court deems just and proper.

Dated: October 27, 2009

Respectfully submitted,

/s/ Marc Seldin Rosen
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JURY TRIAL DEMAND

Plaintiff requests that this case be tried by jury.

/s/ Marc Seldin Rosen
Marc Seldin Rosen