

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION**

MESH COMM, LLC

Plaintiff,

v.

TRILLIANT NETWORKS, INC.

Defendant.

Civil Action No. 3-11-cv-621-S

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Mesh Comm, LLC (“Plaintiff”), for its complaint against Trilliant Networks, Inc. (“Trilliant”), hereby demands a jury trial and alleges as follows:

THE 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, GA 30319.

2. On information and belief, Defendant Trilliant is corporation organized and existing under the laws of Delaware with its principal place of business at 1100 Island Drive, Redwood City, California, 94065.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including 35 U.S.. §§ 271(a), 281, 283, 284 and 285.

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332(a)(1) and 1338(a).

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) and 28 U.S.C. § 1391(b) and (c).

6. On information and belief, the Defendant is subject to personal jurisdiction in this district by virtue of, among other things, doing business and committing acts of infringement in this State, including in this judicial district, through agents and representatives and/or otherwise having substantial contacts with this State and this judicial district.

FACTUAL BACKGROUND

7. On September 13, 2011, United States Patent No. 8,019,836 entitled “WIRELESS COMMUNICATION ENABLED METER AND NETWORK” (the “836 Patent”), was duly and legally issued by the United States patent and Trademark Office (“USPTO”). A copy of the ‘836 Patent is attached hereto as Exhibit A.

8. Mesh Comm, LLC is the assignee of the ‘836 Patent.

COUNT ONE

Infringement of the ‘836 Patent by Trilliant

9. Plaintiff repeats and incorporates here in the entirety of the allegations contained in paragraphs 1 through 8 above.

10. Upon information and belief, Trilliant has infringed and continue to infringe, either directly or through the doctrine of equivalents, one or more claims of the '836 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, Trilliant has also contributed to the infringement of one or more claims of the '836 patent, and/or actively induced others to infringe one or more claims of the '836 patent, in this District and elsewhere in the United States.

11. Trilliant's aforesaid activities have been without authority and/or license from Plaintiff.

12. Plaintiff is entitled to recover from Trilliant the damages sustained by Plaintiff as a result of the Trilliant's wrongful acts in an amount subject to proof at trial.

13. Upon information and belief, the infringement of one or more claims of the '836 patent by Trilliant is willful and deliberate. Upon information and belief, the inducement and contributory infringement of one or more claims of the '836 patent by Trilliant 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 Trilliant.

14. Trilliant's infringement of the '836 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 Trilliant on all counts as follows:

- A. Finding that Trilliant has infringed, actively induced infringement of, and/or contributorily infringed one or more claims of the '836 Patent;
- B. Enjoining Trilliant, its officers, agents, attorneys, servants, and those in privity with it, including distributors and customers, from infringing the '836 Patent;
- C. Awarding damages in an amount adequate to compensate Plaintiff for Trilliant's infringement of the '836 Patent;
- D. Awarding enhanced damages pursuant to 35 U.S.C. §284;
- E. Awarding Plaintiff's reasonable attorneys' fees and costs pursuant to 35 U.S.C. §285 and Rule 54(d) of the Federal Rules of Civil Procedure;
- F. Awarding prejudgment and post-judgment interests; and
- G. Granting such other and further relief as the Court deems just and proper.

Dated: November 4, 2011

Respectfully submitted,

/s/ John E. Spainhour

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