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10 *Attorneys for Plaintiff TransData, Inc.*

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

15 TRANSDATA, INC,

16 Plaintiff,

17 v.

18 SAN DIEGO GAS & ELECTRIC COMPANY,

19 Defendant.

Case No. **'11CV2529 LAB RBB**

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

22 **COMPLAINT**

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24 Plaintiff TransData, Inc., for its complaint against Defendant San Diego Gas & Electric
25 Company, hereby demands a jury trial and alleges as follows:
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1 **PARTIES**

2 1. Plaintiff TransData, Inc. (“TransData”) is a Texas corporation having a place of
3 business at 2560 Tarpley Road, Carrollton, Texas 75006.

4 2. TransData was founded in 1969, and has been involved in the design and manufacture
5 of power and energy metering products for over 40 years. Specifically, TransData has been active in
6 the design and manufacture of digital solid-state electric meters since approximately 1979 and has
7 brought six generations of solid-state electric meters to market. TransData had its headquarters in
8 Tyler, Texas from 1987 to 1990, and has occupied its current suburban-Dallas location since 1990.

9 3. TransData has provided electric meters and related products and services to over 500
10 electric utilities and power producers in more than 25 countries worldwide, including all of the 50
11 largest electric utility companies in the United States.

12 4. Upon information and belief, Defendant San Diego Gas & Electric Company
13 (“SDG&E”), is a California public utility corporation having a place of business at 8326 Century
14 Park Court, San Diego, California 92112.

15 **JURISDICTION**

16 5. This is an action for patent infringement arising under the Patent Laws of the United
17 States, 35 U.S.C. §§ 1 *et seq.* This Court has original and exclusive subject matter jurisdiction over
18 the patent infringement claims pursuant to 28 U.S.C. §§ 1331 and 1338.

19 6. This Court has personal jurisdiction over SDG&E because SDG&E has established
20 contacts with the forum—including by voluntarily conducting business and soliciting customers in
21 the State of California—and the exercise of jurisdiction over SDG&E would not offend the
22 traditional notions of fair play and substantial justice. SDG&E is a California public utility
23 corporation and has extensive business operations in California.

24 **VENUE**

25 7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and/or 1400 because
26 the Defendant is subject to personal jurisdiction in the Southern District of California.

27 8. Venue is proper in this judicial district as to SDG&E because SDG&E is doing
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1 business in the Southern District of California, and also because it is currently using infringing
2 electric meters (including but not limited to Itron Centron electric meters) within the Southern
3 District of California.

4 **RELATED CASES**

5 9. The following actions asserting the same patents-in-suit are pending: *TransData, Inc.*
6 *v. CenterPoint Energy Houston Electric, LLC et al.*, 6:10-cv-557-LED-JDL (E.D.Tex.); *TransData,*
7 *Inc. v. Tri-County Electric Cooperative, Inc.*, 6:11-cv-46-LED-JDL (E.D.Tex.); *TransData, Inc. v.*
8 *Denton County Electric Cooperative, Inc. d/b/a CoServ Electric*, 6:11-cv-113-LED-JDL (E.D.Tex.);
9 *TransData, Inc. v. Georgia Power Co.*, 5:11-cv-305-MTT (M.D.Ga.); *TransData, Inc. v. Alabama*
10 *Power Co.*, 2:11-cv-635-MHT-TFM (M.D.Ala.); and *TransData, Inc. v. Mississippi Power Co.*,
11 3:11-cv-499-CWR-FKB (S.D.Miss.); and *TransData, Inc. v. Oklahoma Gas & Electric Company*,
12 5:11-cv-01032-C (W.D.Okla.). TransData has filed a motion with the Judicial Panel on Multidistrict
13 Litigation to transfer the above-listed cases to the U.S. District Court for the Eastern District of
14 Texas for coordinated pretrial proceedings pursuant to 28 U.S.C. § 1407, which is styled as *In Re:*
15 *TransData, Inc. Smart Meter Patent Litigation*, MDL No. 2309 (filed Oct. 5, 2011).

16 **COUNT I - INFRINGEMENT OF U.S. PATENT NO. 6,181,294**

17 10. TransData realleges and incorporates by reference the allegations in paragraphs 1
18 through 9 of this Complaint as though fully set forth herein.

19 11. United States Patent No. 6,181,294 (“the ‘294 Patent”), entitled “Antenna for Electric
20 Meter and Method of Manufacture Thereof,” was duly and legally issued on January 30, 2001. The
21 ‘294 Patent was duly and legally assigned to TransData, and TransData owns and has full rights to
22 sue and recover damages for infringement of the ‘294 Patent. A copy of the ‘294 Patent is attached
23 hereto as Exhibit 1.

24 12. TransData has complied with the requirements of 35 U.S.C. § 287 and marks its
25 products by identifying the ‘294 Patent on its electric meters.

26 13. The ‘294 Patent is valid and enforceable.

27 14. SDG&E has infringed, and is still infringing, one or more claims of the ‘294 Patent
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1 by making, using, offering to sell, selling, and/or importing electric meters, specifically including,
2 without limitation, Itron Centron electric meters.

3 15. On information and belief, SDG&E is also making, using, offering to sell, selling,
4 and/or importing additional wireless electric meters, which are similar to the Itron Centron electric
5 meters and which may also infringe one or more claims of the '294 Patent. Although publicly-
6 available information on these additional meters is very limited, TransData believes, on information
7 and belief, that discovery will show that they also infringe one or more claims of the '294 Patent.

8 16. SDG&E's infringement of the '294 Patent has injured TransData, and TransData is
9 entitled to recover damages adequate to compensate it for SDG&E's infringement, which in no event
10 can be less than a reasonable royalty.

11 17. SDG&E has caused TransData substantial damage and irreparable injury by its
12 infringement of the '294 Patent, and TransData will continue to suffer damage and irreparable injury
13 unless and until the infringement by SDG&E is enjoined by this Court.

14 **COUNT II - INFRINGEMENT OF U.S. PATENT NO. 6,462,713**

15 18. TransData realleges and incorporates by reference the allegations in paragraphs 1
16 through 17 of this Complaint as though fully set forth herein.

17 19. United States Patent No. 6,462,713 ("the '713 Patent"), entitled "Antenna for Electric
18 Meter and Method of Manufacturing Thereof," was duly and legally issued on October 8, 2002. The
19 '713 Patent was duly and legally assigned to TransData, and TransData owns and has full rights to
20 sue and recover damages for infringement of the '713 Patent. A copy of the '713 Patent is attached
21 hereto as Exhibit 2.

22 20. TransData has complied with the requirements of 35 U.S.C. § 287 and marks its
23 products by identifying the '713 Patent on its electric meters.

24 21. The '713 Patent is valid and enforceable.

25 22. SDG&E has infringed, and is still infringing, one or more claims of the '713 Patent
26 by making, using, offering to sell, selling, and/or importing electric meters, specifically including,
27 without limitation, Itron Centron electric meters.

1 23. On information and belief, SDG&E is also making, using, offering to sell, selling,
2 and/or importing additional wireless electric meters, which are similar to the Itron Centron electric
3 meters and which may also infringe one or more claims of the ‘713 Patent. Although publicly-
4 available information on these additional meters is very limited, TransData believes, on information
5 and belief, that discovery will show that they also infringe one or more claims of the ‘713 Patent.

6 24. SDG&E’s infringement of the ‘713 Patent has injured TransData, and TransData is
7 entitled to recover damages adequate to compensate it for SDG&E’s infringement, which in no event
8 can be less than a reasonable royalty.

9 25. SDG&E has caused TransData substantial damage and irreparable injury by its
10 infringement of the ‘713 Patent, and TransData will continue to suffer damage and irreparable injury
11 unless and until the infringement by SDG&E is enjoined by this Court.

12 **COUNT III - INFRINGEMENT OF U.S. PATENT NO. 6,903,699**

13 26. TransData realleges and incorporates by reference the allegations in paragraphs 1
14 through 25 of this Complaint as though fully set forth herein.

15 27. United States Patent No. 6,903,699 (“the ‘699 Patent”), entitled “Wireless
16 Communication Device for Electric Meter and Method of Manufacture Thereof,” was duly and
17 legally issued on June 7, 2005. The ‘699 Patent was duly and legally assigned to TransData, and
18 TransData owns and has full rights to sue and recover damages for infringement of the ‘699 Patent.
19 A copy of the ‘699 Patent is attached hereto as Exhibit 3.

20 28. TransData has complied with the requirements of 35 U.S.C. § 287 and marks its
21 products by identifying the ‘699 Patent on its electric meters.

22 29. The ‘699 Patent is valid and enforceable.

23 30. SDG&E has infringed, and is still infringing, one or more claims of the ‘699 Patent
24 by making, using, offering to sell, selling, and/or importing electric meters, specifically including,
25 without limitation, Itron Centron electric meters.

26 31. On information and belief, SDG&E is also making, using, offering to sell, selling,
27 and/or importing additional wireless electric meters, which are similar to the Itron Centron electric
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1 meters and which may also infringe one or more claims of the '699 Patent. Although publicly-
2 available information on these additional meters is very limited, TransData believes, on information
3 and belief, that discovery will show that they also infringe one or more claims of the '699 Patent.

4 32. SDG&E's infringement of the '699 Patent has injured TransData, and TransData is
5 entitled to recover damages adequate to compensate it for SDG&E's infringement, which in no event
6 can be less than a reasonable royalty.

7 33. SDG&E has caused TransData substantial damage and irreparable injury by its
8 infringement of the '699 Patent, and TransData will continue to suffer damage and irreparable injury
9 unless and until the infringement by SDG&E is enjoined by this Court.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff TransData respectfully requests that judgment be entered in
12 favor of TransData and against Defendant SDG&E and further prays that the Court grant the
13 following relief to TransData:

14 A. A judgment that SDG&E has infringed the '294 Patent, the '713 Patent, and
15 the '699 Patent, and continues to infringe the '294 Patent, the '713 Patent, and the '699
16 Patent;

17 B. Entry of a permanent injunction pursuant to 35 U.S.C. § 283 enjoining
18 SDG&E, as well as its officers, directors, servants, consultants, managers, employees, agents,
19 attorneys, successors, assigns, affiliates, subsidiaries, and all persons in active concert or
20 participation with any of them, from infringement of the '294 Patent, the '713 Patent, and the
21 '699 Patent, including but not limited to making, using, offering to sell, selling, or importing
22 any products that infringe or products that perform the patented processes set forth in the
23 '294 Patent, the '713 Patent, and the '699 Patent;

24 C. An award of all damages adequate to compensate TransData for SDG&E's
25 infringement, such damages to be determined by a jury and, if necessary, an accounting of all
26 damages;

27 D. An award of prejudgment and post-judgment interest to TransData pursuant
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to 35 U.S.C. § 284;

E. A declaration that this case is exceptional under 35 U.S.C. § 285 and an award of the reasonable attorneys' fees, costs, and expenses incurred by TransData in this action; and

F. Such other and further relief as this Court may deem just and proper.

JURY DEMAND

TransData hereby demands a trial by jury on all issues and claims so triable.

Dated: October 31, 2011

Respectfully submitted,

/s/ Ryan J. Casamiquela

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Attorneys for Plaintiff TransData, Inc.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

TransData, Inc.

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Ryan J. Casamiquela, Kirkland & Ellis LLP, 555 California St., San Francisco, CA 94104 (415-439-1400)

DEFENDANTS

San Diego Gas & Electric Company

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

'11CV2529 LAB RBB

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION	FEDERAL TAX SUITS
			<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. Sec. 1 et seq.

Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/31/2011

/s/ Ryan J. Casamiquela

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____