

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

DALI WIRELESS, INC., Plaintiff, v. FUJIKURA AMERICA, INC. (d/b/a AFL GLOBAL), a Delaware Corporation, Defendant.	Civil Case No. _____ COMPLAINT JURY TRIAL DEMANDED
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Plaintiff Dali Wireless, Inc. (“Dali”) files this Complaint against Defendant Fujikura America, Inc. d/b/a AFL Global (“AFL”).

NATURE OF THE CASE

1. This is an action for the infringement of United States Patent No. 7,567,744 (the “’744 Patent or “the Patent-in-Suit”).
2. AFL has been making, selling, using, offering for sale, and/or importing at least the following products that infringe the ’744 Patent in violation of 35 U.S.C. § 271: L-Series AM-1RU Sliding Patch Panel; L-Series AM-2RU Sliding Patch Panel; L-Series AM-3RU Sliding Patch Panel; L-Series AM-4RU Sliding Patch Panel. Dali seeks injunctive relief and appropriate damages to compensate for AFL’s infringement.
3. Plaintiff Dali seeks appropriate damages and prejudgment and post-judgment interest for AFL’s infringement of the Patent-in-Suit.

THE PARTIES

4. Plaintiff Dali is a Delaware corporation having its center of operations in Burnaby, British Columbia, Canada, where all its technical and financial employees, documents, engineering, and product development are based. It also has an address in Menlo Park, California for forwarding of domestic mail and telephone calls to its center of operations.

5. Founded in 2006, Dali began as a designer and manufacturer of power amplifiers used in radio frequency (“RF”) communications. Dali is known within the industry as an innovator in providing end-to-end, software defined digital radio distribution solutions that can be implemented in Distributed Antenna Systems (“DAS”) used for cellular, public safety, and other RF communications. Dali is a world-wide innovator in digital radio distribution systems and digital predistortion technology that revolutionized in-building and outdoor wireless coverage and capacity. Dali’s groundbreaking products have been consistently recognized by industry publications. For example, Dali has been recognized as a “Hot Tech Innovator” by ABI Research and was ranked No. 1 in innovation in the ABI Research report, “In-Building Wireless, DAS Vendor Competitive Assessment.” Dali’s systems improve upon traditional DAS by allowing the dynamic allocation of wireless coverage and capacity.

6. Dali is the exclusive licensee of the Patent-in-Suit, with the sole right to practice and exclude others from practicing the inventions disclosed therein, including by, without limitation, bringing suit to enforce the Patent-in-Suit and collecting damages for any past, present, or future infringement thereof.

7. On information and belief, defendant Fujikura America, Inc., a Delaware Corporation doing business as AFL Global, has its corporate headquarters at 170 Ridgeview Center Drive, Duncan, South Carolina 29334.

8. On information and belief, Fujikura America, Inc. is a wholly-owned subsidiary of Fujikura Ltd. of Japan.

JURISDICTION AND VENUE

9. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code.

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

11. This Court has personal jurisdiction over AFL because, *inter alia*, AFL has been and continues to do business in this judicial District. On information and belief, AFL maintains a principal place of business in this District and regularly transacts business in this district, including by offering to sell and selling its products in this District.

12. AFL has committed and continues to commit acts of infringement of Dali's Patent-in-Suit in violation of the United States Patent Laws, and has made, used, sold, offered for sale, marketed and/or imported infringing products into this District. AFL's infringement has caused substantial injury to Dali, including within this District.

13. Venue is proper in this District pursuant to 28 U.S.C. §§ 1400 and 1391 because AFL has committed infringing acts in South Carolina, where it also maintains at least one regular and established place of business.

THE PATENT-IN-SUIT

14. The '744 Patent is entitled "Rear Drawer Latch" and was issued by the United States Patent Office to Dennis Krampotich and Ryan Kostecka on July 28, 2009. A true and correct copy of the '744 Patent is attached hereto as Exhibit A.

15. The '744 Patent is valid and enforceable under the United States Patent Laws.

16. Dali is the exclusive licensee of the '744 Patent, with the sole right to practice and exclude others from practicing the inventions disclosed therein, including by, without limitation, bringing suit to enforce the '744 Patent and collecting damages for any past, present, or future infringement thereof.

FIRST CAUSE OF ACTION
(PATENT INFRINGEMENT UNDER 35 U.S.C. § 271 of '744 PATENT)

17. Dali re-alleges and incorporates by reference all of the foregoing paragraphs.

18. To the extent required, Dali has complied with the marking requirements of 35 U.S.C. § 287(a) with respect to the '744 Patent. As the exclusive licensee, Dali has not sold any products in the United States that practice the '744 Patent. CommScope Technologies, LLC, as the former patent owner, sold the following products in the United States that practice the '744 Patent, which were all marked on CommScope Technologies, LLC's patent marking webpage¹: FMT Fiber Storage Panels (FMT-GB, FMT-DB, and FMT-DD series); FMT Fiber Termination/Splice Panels (FMT-DS and FMT-JS series); FMT MicroVAM Fiber Optic Monitoring Modules; and FMT MicroVAM Fiber Optic Splitter Modules.

19. On information and belief, AFL has infringed and continues to infringe, either literally or under the doctrine of equivalents, one or more claims, including at least claim 1 of the '744 Patent in violation of 35 U.S.C. §§ 271 et seq., directly and/or indirectly, by making, using, importing, selling, and/or offering for sale certain equipment and systems relating to telecommunications equipment and wiring, including without limitation at least the following accused products: L-Series AM-1RU Sliding Patch Panel; L-Series AM-2RU Sliding Patch Panel; L-Series AM-3RU Sliding Patch Panel; L-Series AM-4RU Sliding Patch Panel (collectively, the

¹ <https://productpatent.commscope.com/>

“Accused Patch Panel Products”).² On further information and belief, AFL makes, uses, sells, offers to sell, and/or imports the foregoing Accused Patch Panel Products through its wholly-owned subsidiary, AFL Hyperscale.³

20. For example, Claim 1 of the ’744 patent recites the following:

A cable management panel, comprising:

[a] a chassis;

[b] a drawer mounted to the chassis, the drawer having a front and a rear, the drawer being configured to slide between an open position and a closed position relative to the chassis; and

[c] a rear drawer latch assembly located at the rear of the drawer, the rear drawer latch assembly including:

[i] a latch body that vertically moves between an unlocked position and a locked position, the latch body including a foot that prevents closing movement of the drawer when the latch body is positioned in the locked position; and

[ii] a spring that biases the latch body toward the locked position.

21. On information and belief, and based on publicly available information, each of the Accused Patch Panel Products satisfies each and every limitation of at least claim 1 of the ’744 Patent. On further information and belief, and based on publicly available information, the L-Series AM-2RU Sliding Patch Panel is representative of the Accused Patch Panel Products. On further information and belief, and based on publicly available information, each of the Accused

² See <https://www.aflhyperscale.com/product/l-series-am-1ru-sliding-patch-panel/> (last visited on August 30, 2023); <https://www.aflhyperscale.com/product/l-series-am-2ru-sliding-patch-panel/> (last visited on August 30, 2023); <https://www.aflhyperscale.com/product/l-series-am-3ru-sliding-patch-panel/> (last visited on August 30, 2023); <https://www.aflhyperscale.com/product/l-series-am-4ru-sliding-patch-panel/> (last visited on August 30, 2023).

³ See <https://www.aflhyperscale.com/about-us/history-and-milestones/> (last visited on August 30, 2023).

Patch Panel Products functions in a manner similar, if not identical, to the L-Series AM-2RU Sliding Patch Panel as it relates to infringing the '744 Patent. And on further information and belief, and based on publicly available information, each of the Accused Patch Panel Products possesses features and/or attributes similar, if not identical, to those features and/or attributes of the L-Series AM-2RU Sliding Patch Panel identified by Dali as infringing the '744 Patent. Accordingly, the analysis of the L-Series AM-2RU Sliding Patch Panel that follows applies equally to each of the Accused Patch Panel Products.



FIG. 1. Source: <https://www.aflhyperscale.com/product/l-series-am-2ru-sliding-patch-panel/> (last visited August 30, 2022).⁴

22. To the extent the preamble of claim 1 of the '744 Patent – which recites “[a] cable

⁴ For the other Accused Patch Panel Products, see the following: <https://www.aflhyperscale.com/product/l-series-am-1ru-sliding-patch-panel/> (last visited on August 30, 2023); <https://www.aflhyperscale.com/product/l-series-am-3ru-sliding-patch-panel/> (last visited on August 30, 2023); <https://www.aflhyperscale.com/product/l-series-am-4ru-sliding-patch-panel/> (last visited on August 30, 2023).

management panel, comprising...” – is interpreted to be limiting, each of the Accused Patch Panel Products (as exemplified by AFL’s L-Series AM-2RU Sliding Patch Panel) provides the claimed cable management panel. For example, on information and belief, and based on publicly available information, AFL advertises that each of the Accused Patch Panel Products (as exemplified by AFL’s L-Series AM-2RU Sliding Patch Panel) “offers flexibility to the end-user, allowing easy access during installation or reconfiguration with no disturbance of the existing cable or fibers” and “also offers multiple cable entry solutions.” See <https://www.aflhyperscale.com/product/l-series-am-2ru-sliding-patch-panel/> (last visited August 30, 2023).⁵

23. Accordingly, each of the Accused Patch Panel Products satisfies the preamble of claim 1 of the ’744 Patent.

24. Each of the Accused Patch Panel Products (as exemplified by AFL’s L-Series AM-2RU Sliding Patch Panel) also satisfies the requirements of limitation [a] of claim 1 of the ’744 Patent. Limitation [a] of claim 1 of the ’744 Patent requires “a chassis.” Indeed, on information and belief, and based on publicly available information, AFL admits that each of the Accused Patch Panel Products (as exemplified by AFL’s L-Series AM-2RU Sliding Patch Panel) provides a chassis.

⁵ For the other Accused Patch Panel Products, see the following: <https://www.aflhyperscale.com/product/l-series-am-1ru-sliding-patch-panel/> (last visited on August 30, 2023); <https://www.aflhyperscale.com/product/l-series-am-3ru-sliding-patch-panel/> (last visited on August 30, 2023); <https://www.aflhyperscale.com/product/l-series-am-4ru-sliding-patch-panel/> (last visited on August 30, 2023).

Specifications

2RU MODULAR PATCH PANEL CHASSIS	
Height	2RU (8.89cm)
Width	432mm
Depth	356mm
Net weight	7.5kgs
Packaged weight	8.0kgs
Packaged dimensions	510mm (W) x 450mm (L) X 170mm (H)
Suitable for adapter type	L-Series Adapter Plates / MPO Cassettes
Number of cassette positions	6
IP rating	IP20
Material	Cold-rolled steel
Material thickness	1.2mm
Material finish	Powder coating
Color	Black
Operating temperature	-40°C to +60°C
Designed in accordance with	TIA/EIA 568.C, ISO/IEC 11801, EN50173, IEC60304, IEC61754,
Materials compliant to	RoHS, Reach, SVHC

FIG. 2. Source: <https://www.aflhyperscale.com/read-offline/2774/l-series-am-2ru-sliding-patch-panel.pdf> (last visited August 30, 2023).⁶

25. Each of the Accused Patch Panel Products (as exemplified by AFL’s L-Series AM-2RU Sliding Patch Panel) also satisfies the requirements of limitation [b] of claim 1 of the ’744 Patent. Limitation [b] of claim 1 of the ’744 Patent requires “a drawer mounted to the chassis, the drawer having a front and a rear, the drawer being configured to slide between an open position and a closed position relative to the chassis.” For example, on information and belief, and based on publicly available information, each of the Accused Patch Panel Products (as exemplified by AFL’s L-Series AM-2RU Sliding Patch Panel) is advertised by AFL as featuring a “[s]liding tray for ease of installation.” See Fig. 3, below.

⁶ For the other Accused Patch Panel Products, see the following: <https://www.aflhyperscale.com/read-offline/2773/l-series-am-1ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/read-offline/2776/l-series-am-3ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/read-offline/2777/l-series-am-4ru-sliding-patch-panel.pdf> (last visited August 30, 2023).

Features and Benefits

- Up to 6 L-Series Cassettes in 2RU for a maximum density of 144f using an LC presentation.
- Multiple adapter options available
- Sliding tray for ease of installation
- Side patch cord exit
- 19" and 23" rack-mountable
- Accepts loose tube, distribution, and MPO trunk cable
- Integrated spring-loaded tray stop
- Hinged front acrylic glass door and a removable top cover

FIG. 3. Source: <https://www.aflhyperscale.com/read-offline/2774/l-series-am-2ru-sliding-patch-panel.pdf> (last visited August 30, 2023).⁷

26. Accordingly, each of the Accused Patch Panel Products satisfies limitation [a] of claim 1 of the '744 Patent.

27. On further information and belief, and based on publicly available information, technical documentation for each of the Accused Patch Panel Products (as exemplified by AFL's L-Series AM-2RU Sliding Patch Panel) depict the "sliding tray," which has both a front and a rear, in both a closed and open position relative to the chassis.

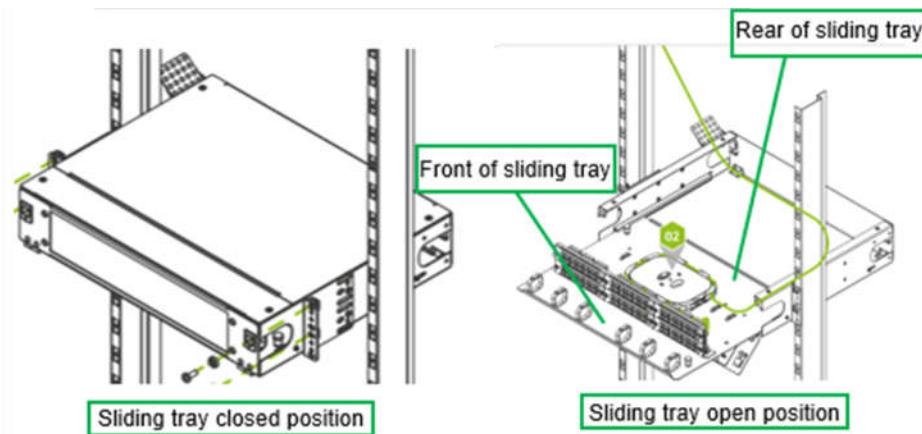


FIG. 4. Source: <https://www.aflhyperscale.com/downloads/l-series-am2ru-sliding-patch-panel-installation-guide/> (last visited August 30, 2023) (annotated).⁸

⁷ For the other Accused Patch Panel Products, see the following: <https://www.aflhyperscale.com/read-offline/2773/l-series-am-1ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/read-offline/2776/l-series-am-3ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/read-offline/2777/l-series-am-4ru-sliding-patch-panel.pdf> (last visited August 30, 2023).

⁸ For the other Accused Patch Panel Products, see the following: <https://www.aflhyperscale.com/downloads/l-series-am1ru-sliding-patch-panel-installation-guide/> (last visited August 30, 2023); <https://www.aflhyperscale.com/downloads/l-series-am3ru-sliding->

28. Accordingly, each of the Accused Patch Panel Products satisfies limitation [b] of claim 1 of the '744 Patent.

29. Each of the Accused Patch Panel Products (as exemplified by AFL's L-Series AM-2RU Sliding Patch Panel) also satisfies the requirements of limitation [c] of claim 1 of the '744 Patent. Limitation [c] of claim 1 of the '744 Patent requires "a rear drawer latch assembly located at the rear of the drawer, the rear drawer latch assembly including..." For example, on information and belief, and based on publicly available information, AFL markets each of the Accused Patch Panel Products (as exemplified by AFL's L-Series AM-2RU Sliding Patch Panel) as featuring an "[i]ntegrated spring-loaded tray stop." *See, e.g.*, Fig. 3 (above).

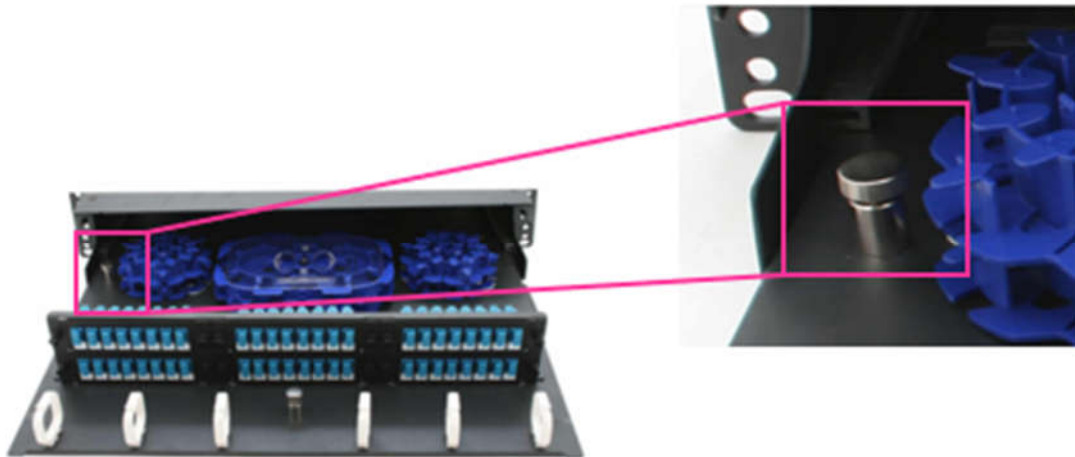


FIG. 5. Source: <https://www.aflhyperscale.com/read-offline/2774/l-series-am-2ru-sliding-patch-panel.pdf> (last visited August 30, 2023) (annotated).⁹

<https://www.aflhyperscale.com/read-offline/2773/l-series-am-1ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/downloads/l-series-am-4ru-sliding-patch-panel-installation-guide/> (last visited August 30, 2023).

⁹ For the other Accused Patch Panel Products, see the following: <https://www.aflhyperscale.com/read-offline/2773/l-series-am-1ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/read-offline/2776/l-series-am-3ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/read-offline/2777/l-series-am-4ru-sliding-patch-panel.pdf> (last visited August 30, 2023).

30. As seen in Fig. 5, each of the Accused Patch Panel Products (as exemplified by AFL's L-Series AM-2RU Sliding Patch Panel) incorporates a "spring-loaded tray stop" that is present at the rear end of the tray and acts as the required latch assembly.

31. Accordingly, each of the Accused Patch Panel Products satisfies limitation [c] of claim 1 of the '744 Patent.

32. Each of the Accused Patch Panel Products (as exemplified by AFL's L-Series AM-2RU Sliding Patch Panel) also satisfies the requirements of limitation [c][i] of claim 1 of the '744 Patent. Limitation [c][i] of claim 1 of the '744 Patent requires the rear drawer latch assembly to have "a latch body that vertically moves between an unlocked position and a locked position, the latch body including a foot that prevents closing movement of the drawer when the latch body is positioned in the locked position." For example, on information and belief, and based on publicly available information, each of the Accused Patch Panel Products (as exemplified by AFL's L-Series AM-2RU Sliding Patch Panel) incorporates a vertically moving latch body that moves between locked and unlocked positions and has a foot that prevents closing movement of the drawer when the latch body is positioned in the locked position. *See* Fig. 6, below; *see also* Fig. 3 (disclosing a "spring-loaded tray stop"), Fig. 4 (demonstrating locked and unlocked positions).

33. Accordingly, each of the Accused Patch Panel Products satisfies limitation [c][i] of claim 1 of the '744 Patent.

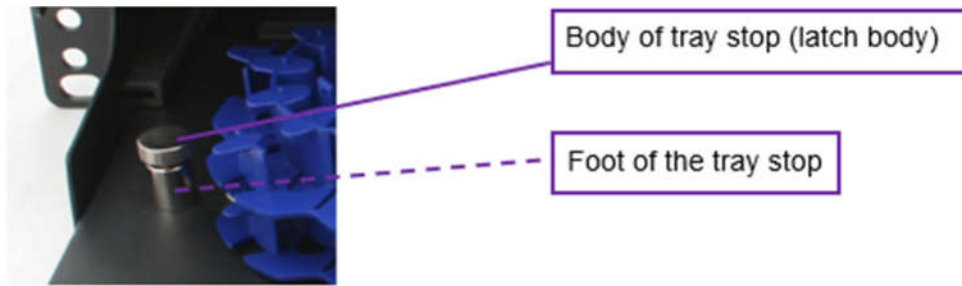


FIG. 6. Source: <https://www.aflhyperscale.com/read-offline/2774/l-series-am-2ru-sliding-patch-panel.pdf> (last visited August 30, 2023) (annotated).¹⁰

34. Each of the Accused Patch Panel Products (as exemplified by AFL’s L-Series AM-2RU Sliding Patch Panel) also satisfies the requirements of limitation [c][ii] of claim 1 of the ’744 Patent. Limitation [c][ii] of claim 1 of the ’744 Patent requires the rear drawer latch assembly to have “a spring that biases the latch body toward the locked position.” For example, on information and belief, and based on publicly available information, AFL markets each of the Accused Patch Panel Products (as exemplified by AFL’s L-Series AM-2RU Sliding Patch Panel) as featuring a latch body with a spring that operates in the manner recited in this claim limitation. *See* Fig. 3 (disclosing a “spring-loaded tray stop”), Fig. 6 (depicting the rear drawer latch assembly).

35. Accordingly, each of the Accused Patch Panel Products satisfies limitation [c][ii] of claim 1 of the ’744 Patent.

36. Thus, on information and belief, each of the Accused Patch Panel Products (as exemplified by AFL’s L-Series AM-2RU Sliding Patch Panel) meets each and every limitation of claim 1 of the ’744 Patent as described in the examples above, and therefore infringes, at least claim 1 of the ’744 Patent.

¹⁰ For the other Accused Patch Panel Products, see the following: <https://www.aflhyperscale.com/read-offline/2773/l-series-am-1ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/read-offline/2776/l-series-am-3ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/read-offline/2777/l-series-am-4ru-sliding-patch-panel.pdf> (last visited August 30, 2023).

37. At least as of the date of the filing of the instant suit, AFL indirectly infringes the claims of the '744 Patent within the United States by inducing infringement under 35 U.S.C. § 271 (b). AFL became aware of the '744 Patent and its infringement by the Accused Patch Panel Products at least by the filing of the instant suit. Accordingly, and to the extent AFL continues to induce the infringement of the '744 Patent in violation of 35 U.S.C. §§ 271 et seq. as further detailed below, following the filing of the instant suit, AFL continues to indirectly infringe the claims of the '744 Patent.

38. At least as of the date of the filing of the instant suit, on information and belief, AFL knowingly and intentionally continues to induce users of the Accused Patch Panel Products to directly infringe one or more claims of the '744 Patent, *inter alia*, by (1) instructing customers on the use of the Accused Patch Panel Products which infringe the '744 Patent as described in the foregoing paragraphs¹¹ (e.g., explaining use of the infringing product such as “flexibility for the end-user, allowing easy access during installation or reconfiguration” and “[s]liding tray for ease of installation”)¹²; and (2) providing customer support and training online and through its customer support portal to answer customer calls about the Accused Patch Panel Products and how to use the infringing products such as how to install and operate them.

39. As a result of AFL's infringement of the '744 Patent, Dali has suffered and continues to suffer substantial injury and is entitled to recover all damages caused by AFL's

¹¹ See, e.g., <https://www.aflhyperscale.com/read-offline/2773/l-series-am-1ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/read-offline/2774/l-series-am-2ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/read-offline/2776/l-series-am-3ru-sliding-patch-panel.pdf> (last visited August 30, 2023); <https://www.aflhyperscale.com/read-offline/2777/l-series-am-4ru-sliding-patch-panel.pdf> (last visited August 30, 2023).

¹² *Id.*

infringement to the fullest extent permitted by the Patent Act, together with prejudgment interests and costs for AFL's wrongful conduct.

PRAYER FOR RELIEF

WHEREFORE, Dali respectfully requests judgment against AFL as follows:

A. That the Court enter judgment for Dali on all causes of action asserted in this Complaint;

B. That the Court enter judgment in favor of Dali and against AFL for monetary damages to compensate it for AFL's willful infringement of the Patent-in-Suit pursuant to 35 U.S.C. § 284, including costs, and pre-judgment and post-judgment interest as allowed by law;

D. That the Court enter judgment in favor of Dali and against AFL for accounting and/or supplemental damages for all damages occurring after any discovery cutoff and through the Court's entry of final judgment;

D. That the Court enter judgment that this case is exceptional under 35 U.S.C. § 285 and enter an award to Dali of its costs and attorneys' fees; and

E. That the Court award Dali all further relief as the Court deems just and proper.

JURY DEMAND

Dali requests that all claims and causes of action raised in this Complaint against AFL be tried to a jury to the fullest extent possible.

Date: August 30, 2023

Respectfully submitted,

/s/ Henry L. Parr, Jr.

WYCHE, P.A.

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