

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

HAWK TECHNOLOGY SYSTEMS, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:13-cv-579
	§	
BOYD GAMING CORPORATION,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

**HAWK TECHNOLOGY SYSTEMS, LLC’S
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Hawk Technology Systems, LLC for its Complaint for Patent Infringement against Defendant Boyd Gaming Corporation alleges the following:

THE PARTIES

1. Plaintiff Hawk Technology Systems, LLC (“Hawk”) is a limited liability company organized and existing under the laws of the State of Florida and maintains its principal place of business at 2 South Biscayne Blvd., Suite 3800, Miami, Florida 33131.
2. Hawk also maintains a place of business at 305 South Broadway Avenue, Suite 114, Tyler, Texas 75702.
3. Defendant Boyd Gaming Corporation (“Boyd Gaming”) is a Nevada corporation with its principal place of business at 3883 Howard Hughes Parkway, 9th Floor, Las Vegas, NV 89169. Boyd Gaming is conducting business on a systemic and continuous basis within the United States, including the state of Texas and this judicial district. Boyd Gaming makes, imports, uses, offers to sell, or sells within the United States, including the state of Texas and this

judicial district, products, including, but not limited to, DataCom Ion products and software such as “Network Video System,” and “ION.”

JURISDICTION AND VENUE

4. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338.

5. On information and belief, Boyd Gaming is subject to this Court’s specific and general personal jurisdiction. This Court’s exercise of personal jurisdiction is consistent with due process and the Texas Long Arm Statute, due at least to Boyd Gaming’s substantial business in this forum, including related to the infringements alleged herein. Further, on information and belief, Boyd Gaming is subject to the Court’s general jurisdiction from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to persons or entities in Texas.

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

BACKGROUND

7. Hawk was formed in 2012 to commercialize the inventions of its founder, Barry Schwab.

8. Mr. Ken Washino and Mr. Schwab invented United States Patent No. RE43,462 entitled “Video Monitoring and Conferencing System” (the “462 Patent”). The '462 Patent is a reissue of United States Patent No. 5,625,410 (the “410 Patent”). The '462 Patent was duly and legally reissued on June 12, 2012, by the United States Patent and Trademark Office. A true and correct copy of the '462 Patent is attached hereto as Exhibit A.

9. The independent claims and/or dependent claims in the '462 Patent are substantially identical to the corresponding claims of the '410 Patent.

10. Mr. Washino and Mr. Schwab have collaborated on a number of other pioneering inventions resulting in patents in the areas of video archiving, video downloading and digital cinema.

11. Mr. Schwab is also a named inventor on more than thirty patents, ranging from consumer products to secure network computing.

12. Hawk is the assignee and owner of all right, title, and interest in the '462 Patent and it has standing to bring this lawsuit for infringement of the '462 Patent.

COUNT ONE – INFRINGEMENT OF THE '462 PATENT

13. Each of the foregoing paragraphs is incorporated by reference.

14. Claim 1 of the '462 Patent describes:

A video storage and display system, comprising: one or more video cameras, each outputting a signal representative of a video image; means to receive the signals from each camera and digitally compress the images; two forms of high-capacity storage media, one being randomly searchable while the other continues to store the digitally compressed image; and a computer configured to receive the digitally compressed images, the computer being interfaced to the following devices: a display screen, means to receive externally derived operator commands, and the high-capacity storage media, and wherein the computer is programmed to perform the following functions: display the digitally compressed images from the cameras in different windows on the display screen, each window being associated with an update rate and dimensions in pixels, vary the spatial parameters and temporal parameters at which a particular image is updated in its window in accordance with one of the externally derived commands, store the digitally compressed images in the high-capacity storage media, and vary the spatial parameters and temporal parameters at which a particular image is stored in accordance with one of the externally derived commands.

('462 Patent, Col. 10, line 57 – Col. 11, line 20).

15. Claim 12 of '462 Patent describes:

[t]he method for displaying and storing multiple video images, comprising the steps of: receiving video images at a personal computer based system from one or more sources; digitizing any of the images not already in digital form using an analog-to-digital converter; displaying at least certain of the digitized images in separate windows on a personal computer based display device, using a first set of temporal and spatial parameters associated with each image in each window; converting one or more of the video source images into a data storage format using a second set of temporal and spatial parameters associated with each image; and simultaneously storing the converted images in a storage device.

('462 Patent, Col. 11, line 62-Col. 12, line 10).

16. Claim 15 of the '462 Patent describes:

[a] video storage and display system, comprising: one or more video cameras, each outputting a signal representative of a video image; means to receive the signals from each camera and digitally compress the images; and a computer configured to receive the digitally compressed images, the computer being interfaced to the following devices: a display screen, means to receive externally derived operator commands including means for sensing a deviation from the normal-state image scene associated with at least one of the video cameras, the existence of the deviation being used as the basis for generating an externally derived command, and a high-capacity storage medium, and programmed to perform the following functions: display the digitally compressed images from the cameras in different windows on the display screen, each window being associated with an update rate and dimensions in pixels, vary spatial parameters and temporal parameters at which a particular image is updated in its window in accordance with one of the externally derived commands, store the digitally compressed images in the high-capacity storage medium, and vary the spatial parameters and temporal parameters at which a particular image is stored in accordance with one of the externally derived commands.

('462 Patent, Col. 12, line 15-45).

17. On information and belief Boyd Gaming has been and is now infringing, actively inducing infringement or is liable for contributory infringement of the '462 Patent pursuant to 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods, e.g., the use of DataCom Ion products and software, which

are covered by one or more claims of the '462 Patent. The claims of the '462 Patent are either literally infringed and/or infringed under the doctrine of equivalents.

18. Boyd Gaming's past and continued acts of infringement of the '462 Patent have injured Hawk and thus Hawk is entitled to recover compensatory damages for the infringement in an amount subject to proof at trial.

19. On information and belief, Boyd Gaming has had actual knowledge of the '462 Patent and its infringement is willful and deliberate, entitling Hawk to increased damages under 35 U.S.C. § 284 and to attorney's fees and costs incurred in prosecuting this action under § 35 U.S.C. §285.

PRAYER FOR RELIEF

Wherefore, Hawk respectfully requests that the Court:

- A. order trial by jury on all issues so triable;
- B. render judgment finding that Boyd Gaming has infringed the '462 Patent';
- C. find that Boyd Gaming's infringement was willful;
- D. issue preliminary and permanent injunctions preventing Boyd Gaming, and those in active concert or participation with Boyd Gaming, from further infringement, inducement of infringement, or contributory infringement of the '462 Patent;
- E. award compensatory damages for acts of Defendant Boyd Gaming in an amount to be determined at trial;
- F. award treble damages for acts of Defendant Boyd Gaming pursuant to 35 U.S.C. § 284;
- G. award interest as allowed by law;

H. declare that this case is exceptional pursuant to 35 U.S.C. § 285, award the costs and reasonable attorney fees incurred in connection with this action; and

I. grant such other and further relief as the Court and the jury deem just and proper.

Respectfully submitted,

/s/ E. Glenn Thames, Jr.

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