

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

JOHN B. ADRAIN,

Plaintiff,

vs.

PANASONIC CORPORATION OF NORTH
AMERICA,

Defendant.

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Case No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff John B. Adrain (“Adrain”) brings this action against defendant Panasonic Corporation of North America (“Panasonic” or “Defendant”) and alleges:

THE PARTIES

1. Adrain is the inventor of and owns the entire right, title, and interest in the patent at issue in this case.

2. On information and belief, Panasonic is a corporation organized and existing under the laws of Delaware, with its principal place of business located at 1 Panasonic Way, Secaucus, New Jersey, 07094-2917. Panasonic can be served with process through its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201-4234.

3. On information and belief, Panasonic System Communications Company of North America (“PSCCNA”) is a unit or division of Panasonic.

JURISDICTION AND VENUE

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

5. Subject-matter jurisdiction over Adrain's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Defendant has operated, conducted, engaged in, and/or carried on business in the state of Texas.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) (c) and (d), and/or 1400(b).

GENERAL ALLEGATIONS REGARDING PATENT INFRINGEMENT

8. On November 3, 1998, U.S. Patent No. 5,831,669, entitled "Facility Monitoring System with Image Memory and Correlation" was duly and legally issued to the inventor, John B. Adrain. A Reexamination Certificate for U.S. Patent 5,831,669 issued on August 21, 2012. A true and correct copy of U.S. Patent 5,831,669 with the Reexamination Certificate is attached hereto as Exhibit A. (U.S. Patent 5,831,669 and the Reexamination Certificate are collectively referred to as "the '669 patent.") Adrain owns all right, title and interest in the '669 patent, including the right to sue for and recover all past, present and future damages for infringement of the '669 patent.

9. The '669 patent is presumed valid.

COUNT I PATENT INFRINGEMENT [SMART VIERA TVs]

10. Adrain repeats and realleges the allegations of paragraphs 1-9 above, as though fully set forth herein.

11. Upon information and belief, Panasonic, either alone or in conjunction with others, has in the past and continues to infringe and/or induce infringement of the '669 patent by making, using, selling, offering to sell, and/or importing, and/or causing others to make, use, sell, or offer to sell, and/or import, in this judicial district and/or elsewhere in the United States, Smart VIERA TVs that alone or in use are covered by one or more of the claims of the '669 patent.

12. For example, Panasonic makes, uses, sells, offers to sell and/or imports Smart VIERA TVs that utilize a camera to monitor a space and that are capable of facial recognition. By way of further example, one such model of TV includes the VT line of Smart VIERA TVs (such as model number TC-P60VT60).

13. Consumers purchase and use Panasonic's Smart VIERA TVs and are instructed by Panasonic to use methods that infringe one or more claims of the '669 patent.

14. By way of further example, consumers of such devices are able to store images of their faces and thereafter the Smart VIERA TV is able to recognize their faces.

15. Panasonic provides instructions, such as user manuals, that instruct consumers on how to set up and use such devices in such manners, specifically intending such consumers will operate these devices in such a manner, and knowing of such actions, which constitutes infringement of one or more claims of the '669 patent.

16. Panasonic has been and/or is now indirectly infringing one or more claims of the '669 patent in violation of 35 U.S.C. 271(b) by inducing consumers of Panasonic's Smart VIERA TVs to directly infringe one or more claims of the '669 patent through their use of Panasonic's Smart VIERA TVs, such as through use of facial recognition in a monitored space.

17. For example, Panasonic induces direct infringement of the '669 patent by providing user manuals and instructions with the Smart VIERA TV that show users how to register their faces

with the Smart VIERA TV. Panasonic engages in such inducement knowingly and, at least from the time of receipt of the present Complaint, has done so with knowledge that such activity encourages consumers of its Smart VIERA TVs to directly infringe the '669 patent.

18. Panasonic is liable for infringement of the '669 patent pursuant to 35 U.S.C. § 271.

19. Panasonic's acts of infringement have caused damage to Adrain, and Adrain is entitled to recover from Panasonic the damages sustained by Adrain as a result of Panasonic's wrongful acts in an amount subject to proof at trial.

20. As a consequence of the infringement complained of herein, Adrain has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Panasonic is enjoined by this Court from committing further acts of infringement.

COUNT II
PATENT INFRINGEMENT
[MONITORING DEVICES]

21. Adrain repeats and realleges the allegations of paragraphs 1-20 above, as though fully set forth herein.

22. Upon information and belief, Panasonic, alone and/or through its division and/or unit, PSCCNA, either alone or in conjunction with others, has in the past and continues to infringe and/or induce infringement of the '669 patent by making, using, selling, offering to sell, and/or importing, and/or causing others to make, use, sell, or offer to sell, and/or import, in this judicial district and/or elsewhere in the United States, monitoring cameras, network recorders, and associated software (collectively "Monitoring Devices") that alone or in use are covered by one or more of the claims of the '669 patent.

23. For example, Panasonic, alone and/or through its division and/or unit, PSCCNA, makes, uses, sells, offers to sell and/or imports Monitoring Devices that monitor a space and are capable of facial recognition to identify individuals. By way of further example, one such Monitoring Device includes the Panasonic WJ-NV200k Network Disk Recorder operating the Panasonic WJ-NVF20 Additional Business Intelligence Kit, and connected to the Panasonic WJ-SF336 camera.

24. Consumers purchase and use Panasonic's Monitoring Devices and are instructed by Panasonic to use methods that infringe one or more claims of the '669 patent.

25. By way of further example, consumers of such devices are able to store images of individuals' faces and thereafter automatically recognize those individuals through operation of the Monitoring Devices.

26. Panasonic, alone and/or through its division and/or unit, PSCCNA, provides instructions, such as user manuals, that instruct consumers on how to set up and use such Monitoring Devices in such manners, specifically intending such consumers will operate these devices in such a manner, and knowing of such actions, which constitutes infringement of one or more claims of the '669 patent.

27. Panasonic, alone and/or through its division and/or unit, PSCCNA, has been and/or is now indirectly infringing one or more claims of the '669 patent in violation of 35 U.S.C. 271(b) by inducing consumers of Panasonic's Monitoring Devices to directly infringe one or more claims of the '669 patent through their use of Panasonic's Monitoring Devices, such as through use of facial recognition in a monitored space.

28. For example, Panasonic, alone and/or through its division and/or unit, PSCCNA, induces direct infringement of the '669 patent by providing user manuals with the Monitoring Devices that show users how to register the faces of individuals for later recognition by the Monitoring

Device. Panasonic engages in such inducement knowingly and, at least from the time of receipt of the present Complaint, has done so with knowledge that such activity encourages consumers of their Monitoring Devices to directly infringe the '669 patent.

29. Panasonic alone and/or its division and/or unit, PSCCNA, is liable for infringement of the '669 patent pursuant to 35 U.S.C. § 271.

30. Panasonic's acts of infringement, alone and/or through its division and/or unit, PSCCNA, have caused damage to Adrain, and Adrain is entitled to recover from Panasonic the damages sustained by Adrain as a result of Panasonic's wrongful acts in an amount subject to proof at trial.

31. As a consequence of the infringement complained of herein, Adrain has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Panasonic is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Adrain prays for entry of judgment that:

- A.** Defendant has directly infringed and/or induced infringement of the '669 patent;
- B.** Defendant accounts for and pays to Adrain all damages caused by its infringement of the '669 patent;
- C.** Adrain be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendant and its officers, agents, servants, employees and those persons in active concert or participation with it from further acts of patent infringement;
- D.** Adrain be granted pre-judgment and post-judgment interest on the damages caused to him by reason of Defendant's patent infringement;

- E. Adrain be granted his reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
- F. Costs be awarded to Adrain; and,
- G. Adrain be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Adrain demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: November 5, 2013

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