

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ALARM.COM INCORPORATED,	)	
	)	
Plaintiff,	)	
	)	C.A. No. _____
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
ICONTROL NETWORKS, INC.,	)	
	)	
Defendant.	)	

**COMPLAINT FOR DECLARATORY JUDGMENT OF  
PATENT INVALIDITY AND NON-INFRINGEMENT**

1. This Complaint arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and 2202.

**THE PARTIES**

2. Plaintiff Alarm.com Incorporated (“Alarm.com”) is a Delaware corporation with its principal place of business at 8150 Leesburg Pike, Suite 1400, Vienna, Virginia 22182-7730.

3. Upon information and belief, Defendant iControl Networks Inc. (“iControl”) is a Delaware corporation with its principal place of business at 555 Twin Dolphin Drive, Suite 280, Redwood City, California 94065.

**JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), 2201 and 2202.

5. This Court has personal jurisdiction over iControl at least because iControl is incorporated under the laws of Delaware.

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

## **BACKGROUND**

7. Alarm.com is a pioneer and innovator in the home security industry, launching and introducing the industry's first wireless interactive security solution in 2003. Alarm.com was founded in 2000, with the goal of developing industry-changing interactive security solutions. The company's co-founders worked for more than three years to define the solution category and develop the Alarm.com offering before bringing it to market in 2003. Its first-to-market innovations include the use of dedicated wireless signaling that is fully integrated into the security control panel and eliminates the line-cutting vulnerability of landline-based security systems, cellular-based fully integrated two-way voice emergency response capability, alerting via text messages and email of non-alarm activity, the ability to raise an alarm condition even when an intruder destroys the physical alarm panel that generates the alarm signal and home security apps for major smartphone platforms that allow remote control of security systems from anywhere.

8. Upon information and belief, iControl is a company offering products and services in the home automation and interactive home security industries.

9. On July 10, 2013, iControl filed a Complaint for Patent Infringement against Alarm.com and an Alarm.com customer in the United States District Court for the Eastern District of Virginia [Case No. 1:13-cv-00834-LMB-IDD] (the "Original Virginia Complaint"). On September 11, 2013, iControl filed a First Amended Complaint for Patent Infringement (the "Amended Virginia Complaint").

10. Count I of both the Original and Amended Virginia Complaints alleged infringement by Alarm.com of United States Patent No. 7,262,690 (the "'690 Patent")(attached hereto as Exhibit A). On November 8, 2013, Alarm.com moved pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure to dismiss Count I of the Amended Virginia Complaint on the

grounds that, “[a]t the time of the filing of the [Original Virginia] Complaint, iControl did not have title to the ’690 Patent. Accordingly, iControl lacked standing to bring an action for infringement of the ’690 Patent, and the Court lacks subject matter jurisdiction over Count I.”

11. On November 22, 2013, iControl filed a brief opposing the motion to dismiss, in which it argued, among other things, that it had, after the time it first filed its suit against Alarm.com, obtained ownership of the ’690 Patent. As a result, it argued that, “because any potential standing issue was cured near the outset of this case, if this Court dismisses Count I it should be without prejudice”, clearly indicating its continued intent to assert the ’690 Patent against Alarm.com.

12. On December 11, 2013, United States District Judge Leonie M. Brinkema of the Eastern District of Virginia issued an Order granting Alarm.com’s motion to dismiss Count I of the Amended Virginia Complaint and ordering that “Count I of the Amended [Virginia] Complaint be and is DISMISSED WITHOUT PREJUDICE”. (Order, dated Dec. 11, 2013, at 8 [Case No. 1:13-cv-00834-LMB-IDD, Dkt. #106] (attached hereto as Exhibit B).)

13. Alarm.com does not concede that iControl in fact owns the ’690 Patent. However, because iControl has already asserted the ’690 Patent against Alarm.com in both the Original and Amended Virginia Complaints, and because iControl indicated in its briefing in Virginia in opposition to dismissal of the ’690 Patent that any dismissal “should be without prejudice”—suggesting an intention to re-assert a claim against Alarm.com alleging infringement of the ’690 Patent—there is a definite, concrete, real and substantial controversy, touching the legal relations of Alarm.com and iControl, which have adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

**FIRST CLAIM FOR RELIEF**

**(INVALIDITY OF U.S. PATENT NO. 7,262,690)**

14. Alarm.com incorporates by reference its allegations contained in paragraphs 1 through 13 above.

15. Upon information and belief, the claims of the '690 Patent are invalid for failure to comply with one or more provisions of Title 35, United States Code, including but not limited to 35 U.S.C. §§ 101, 102, 103 and 112.

16. Judicial declaration of the invalidity of the claims of the '690 Patent is appropriate and necessary.

**SECOND CLAIM FOR RELIEF**

**(NON-INFRINGEMENT OF U.S. PATENT NO. 7,262,690)**

17. Alarm.com incorporates by reference its allegations contained in paragraphs 1 through 16 above.

18. Alarm.com seeks a judicial declaration that Alarm.com does not infringe, has not infringed and does not and has not induced infringement or contributed to infringement of the '690 Patent under any theory, including literal infringement or infringement under the doctrine of equivalents.

19. Judicial declaration of Alarm.com's non-infringement of the claims of the '690 Patent is appropriate and necessary.

**PRAYER FOR RELIEF**

WHEREFORE, Alarm.com prays for judgment:

1. Declaring each of the claims of the '690 Patent invalid;
2. Declaring that Alarm.com does not infringe any valid claim of the '690 Patent;

3. Awarding Alarm.com interest, the costs of this action and its reasonable attorneys' fees; and
4. Granting such other and further relief to Alarm.com as this Court may deem just and equitable.

**JURY DEMAND**

Alarm.com demands a trial by jury on all issues triable of right by a jury.

Respectfully submitted,

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