IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

COMCAM INTERNATIONAL, INC.,	§	
	§	
***Plaintiff*,**	§	**Civil Action No. 2:13-CV-1132**
	§	
v.	§	
	§	
BRIVO SYSTEMS, LLC,	§	**JURY TRIAL DEMANDED**
	§	
***Defendan*t.**	§	
	§	
	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff COMCAM INTERNATIONAL, INC files this Complaint against BRIVO SYSTEMS LLC for infringement of U.S. Patent No. 6,975,220 ("the '220 patent").

I. THE PARTIES

1. Plaintiff ComCam International, Inc. ("Plaintiff" or "ComCam") is a Delaware corporation, with its principal place of business at 308 National Road, Exon Pennsylvania 19341.

2. ComCam is a fourteen-year-old corporation whose primary focus is on the development of command-and-control products and the provision of integrated solutions and support services to a wide variety of customers. These customers include U.S. government agencies, Fortune 500 companies, research facilities, original equipment manufacturers and systems integrators worldwide. Shortly after incorporating, ComCam introduced the world's first integrated WiFi camera and the world's first cellular network-based IP camera.

3. ComCam is especially adept at providing sophisticated products and solutions that can be deployed in rugged environments with limited infrastructure and network access. ComCam has worked directly for governmental entities, including the U.S. Department of Defense and various Army and Navy divisions, which use ComCam products for tactical systems and research for land, air, and sea undersea applications. For instance, ComCam's products and services have been used in the implementation of the "electronic fence" along the U.S.–Mexico border by the Texas Department of Public Safety and in remote surveillance operations by the United States military in Afghanistan.

4. Additionally, ComCam provides solutions for more traditional applications, such as security and monitoring systems for prisons, airports, and retail establishments. For example, the U.S. Immigration and Customs Enforcement ("ICE") was dissatisfied with its existing detainee monitoring and tracking system at its largest detention facility on the East Coast. In response, ComCam provided ICE with a complete end-to-end detainee tracking system that not only met ICE's high performance needs, but did so at a substantial cost savings to the government.

5. ComCam's products and services are also used in other high security applications, such as the perimeter intrusion detection systems at JFK and LaGuardia airports and a "Tier 1" high-risk maritime port. The ComCam system is also utilized in public venues to maintain real-time video monitoring, including at the City of Philadelphia's Liberty Bell Center.

6. Defendant Brivo Systems, LLC, ("Defendant" or "Brivo") is a Delaware limited liability corporation with its headquarters and principal place of business at 4350 E West Highway, Suite 201 Bethesda MD 20814-4426. Brivo has appointed its agent for service as follows: CT Corporation System at 350 North St. Paul Street, Dallas Texas 75201.

II. JURISDICTION AND VENUE

7. This is an action for patent infringement arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of this action under Title 28 U.S.C. §1331 and §1338(a).

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant is deemed to reside in judicial district, has committed acts of infringement in this judicial district, has purposely transacted business involving their accused products in this judicial district, and/or has regular and established places of business in this judicial district.

9. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this State and judicial district, including: (A) at least part of their infringing activities alleged herein; and (B) regularly doing or soliciting business and, accordingly, deriving substantial revenue from goods and services provided to Texas residents. This includes, but is not limited to, operating a website detailing and offering for sale its web-hosted access control solution, "Brivo OnAirSM," its online video storage service, "Brivo OVR WebService," and its appliance-based access control platform, "ACS OnSite Aparato" on its website at www.brivo.com/ products, as well as at stores throughout Texas and the rest of the United States. Thus, Defendant has purposefully availed themself of the benefits of the state of Texas and the exercise of jurisdiction is proper.

III. PATENT INFRINGEMENT

COUNT I — INFRINGEMENT OF U.S. PATENT NO. 6,975,220

10. Plaintiff is the assignee of the ’220 patent, entitled “INTERNET BASED SECURITY, FIRE AND EMERGENCY IDENTIFACTION AND COMMUNICATION SYSTEM,” with ownership of all substantial rights. Among other rights, Plaintiff has the exclusive right to exclude others, the exclusive right to enforce, sue and recover damages for past and future infringements, the exclusive right to settle any claims of infringement, and the exclusive right to grant sublicenses, including the exclusive right to exclude Brivo, the exclusive right to sue Brivo, the exclusive right to settle any claims with Brivo, and the exclusive right to grant a sublicense to Brivo. A true and correct copy of the ’220 patent is attached as Exhibit A.

11. Brivo has infringed and continues to directly infringe one or more claims of the ’220 patent in this judicial district and elsewhere in Texas and the United States by, among other things, making, having made, using, offering for sale, and/or selling claimed web-hosted access control system, online video storage service, and appliance-based access control platform, through its offerings at www.brivo.com/products. At a minimum, Brivo has been, and now is, directly infringing claims of the ’220 patent, including (for example) at least claim 1, by making, having made, and/or using its system(s) and service(s) for detecting an event in a premises and transmitting data regarding the event and making the event data accessible for viewing by at least one authorized entity.

12. Plaintiff has been damaged as a result of Brivo’s infringing conduct. Brivo is, thus, liable to Plaintiff in an amount that adequately compensates it for Brivo’s infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

IV. JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

V. PRAYER FOR RELIEF

Plaintiff requests that the Court find in its favor and against Brivo, and that the Court grant Plaintiff the following relief:

a. Judgment that one or more claims of U.S. Patent No. 6,975,220 has been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

b. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein;

c. That Plaintiff be granted pre-judgment and post judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;

d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Respectfully Submitted,

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