

JURISDICTION AND VENUE

3. This action arises under the United States Patent Laws, codified at 35 U.S.C. §§ 1, et seq., including §§ 271 and 281. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court may exercise personal jurisdiction over Vision Video because Vision Video has minimum contacts with this forum as a result of business regularly conducted within the State of Texas and this judicial district

5. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b) because Vision Video has committed acts of infringement in this judicial district.

PATENT INFRINGEMENT

6. United States Patent No. 6,778,085 (“the ‘085 Patent”), entitled “Security System and Method with Realtime Imagery” was duly and lawfully issued by the USPTO on August 17, 2004, after full and fair examination. The ‘085 Patent relates generally to video security systems, and in particular to such systems that record, store, and transmit images through the use of computer equipment, digital storage, and an electronic communications network. Plaintiff 3rd Eye is the exclusive licensee of all rights in the ‘085 Patent and possesses all rights of enforcement and recovery under the ‘085 Patent.

7. United States Patent No. 6,798,344 (“the ‘344 Patent”), entitled “Security Alarm System and Method with Realtime Streaming Video” was duly and

lawfully issued by the USPTO on September 28, 2004, after full and fair examination. The '344 Patent relates generally to video security systems, and in particular to such systems that record, store, and transmit images through the use of computer equipment, digital storage, and an electronic communications network. Plaintiff 3rd Eye is the exclusive licensee of all rights in the '344 Patent and possesses all rights of enforcement and recovery under the '344 Patent.

8. United States Patent No. 7,323,980 ("the '980 Patent"), entitled "Security System and Method with Realtime Imagery" was duly and lawfully issued by the USPTO on January 29, 2008, after full and fair examination. The '980 Patent relates generally to video security systems, and in particular to such systems that record, store, and transmit images through the use of computer equipment, digital storage, and an electronic communications network. Plaintiff 3rd Eye is the exclusive licensee of all rights in the '980 Patent and possesses all rights of enforcement and recovery under the '980 Patent.

9. Vision Video has committed, and continues to commit, acts of infringement in violation of 35 U.S.C. § 271(a) by making, using, offering for sale, and/or selling security systems within the United States, or importing security systems into the United States, that infringe one or more claims of the '980 Patent. On information and belief, an example of such an infringing security system is described on Vision Video's website, screenshots of which are attached to this Complaint as Exhibit B and incorporated herein by reference.

10. Vision Video has induced and continues to induce infringement of the '980 Patent in violation of 35 U.S.C. § 271(b) by inducing others to make, use, sell, and/or offer to sell security systems that are covered by one or more claims of the '085 Patent, the '344 Patent, and the '980 Patent.

11. On information and belief, Vision Video has committed and continues to commit acts of contributory infringement of the '980 Patent in violation of 35 U.S.C. § 271(c) by selling and/or offering to sell non-staple components that others subsequently assemble into security systems that are covered by one or more claims of the '980 Patent.

12. Vision Video's infringement of the '980 Patent has been and continues to be willful.

13. Vision Video has caused and will continue to cause 3rd Eye substantial damage and irreparable injury by virtue of its past and continuing infringement of the '980 Patent. 3rd Eye will suffer further damage and irreparable injury unless and until Vision Video is enjoined by this Court from continuing such infringement.

14. 3rd Eye is currently investigating whether Vision Video infringes the '085 and the '344 Patents, but needs more information before making its determination.

JURY DEMAND

15. Pursuant to Federal Rule of Civil Procedure 38, 3rd Eye demands a trial by jury.

PRAYER

WHEREFORE, Plaintiff 3rd Eye Surveillance, LLC, prays that Defendant Vision Video Security, LLC, be cited to appear and answer herein, and that 3rd Eye be granted the following relief:

- a. Judgment that Vision Video has infringed, induced others to infringe, and committed acts of contributory infringement with respect to one or more claims of the '980 Patent;
- b. A permanent injunction enjoining Vision Video, its officers, agents, servants, employees, and those persons in active concert or participation with Vision Video, from making, using, offering for sale, selling, or importing any device or product that is found to infringe the '980 Patent, and/or committing acts that induce others to infringe or contribute to others infringement of the '980 Patent;
- c. Damages adequate to compensate for Vision Video's patent infringement, but in no event less than a reasonable royalty for Vision Video's practicing of the inventions claimed in the '980 Patent, together with interest and costs under 35 U.S.C. § 284;
- d. A finding that Vision Video has willfully infringed the '980 Patent and enhanced damages of up to three times the amount of 3rd Eye's actual damages;
- e. Pre-judgment and post-judgment interest on the damages assessed;

- f. Declaring this case exceptional pursuant to 35 U.S.C. § 285, and awarding 3rd Eye its reasonable attorney's fees and expenses; and
- g. Such other and further relief, both at law and in equity, to which 3rd Eye may be entitled.

Respectfully submitted,

/s/ Stephen A. Kennedy
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