

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

HAWK TECHNOLOGY SYSTEMS, LLC,)	
)	
Plaintiff,)	Case No. _____
)	
v.)	
)	
HENRY FORD HEALTH SYSTEM,)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff, HAWK TECHNOLOGY SYSTEMS, LLC (“Hawk”), hereby sues HENRY FORD HEALTH SYSTEM (“HFHS”) and alleges:

NATURE OF THE ACTION

1. This is a civil action for patent infringement of United States Patent No. RE43,462 (‘462 Patent). The ‘462 Patent is a reissue of United States Patent No. 5,265, 410 (the ‘410 Patent). The independent claims in the reissued ‘462 Patent are substantially identical to the corresponding claims in the original ‘410 Patent.

2. The abstract for the ‘462 Patent states:

A PC-based system for monitoring and storing representative images from video cameras which may be utilized for security or other monitoring applications. Camera inputs from digital or analog sources are individually and independently digitized and displayed at a first set of image sizes, sampling rates, and frame rates, and may be stored in digital form on various recording media at a second set of image sizes, sampling rates, and frame rates, and these two sets of sizes and rates may or may not be identical. Provisions are included for adding detection or alarm systems which will automatically alter image size, sampling rate and/or frame rate of an individual input source, or activate other physical responses. In addition to security system monitoring, further applications of the invention are disclosed for process monitoring in manufacturing environments and also for applications in videoconferencing.

PARTIES

3. 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.

4. HFHS is a nonprofit corporation organized and existing under the laws of the State of Michigan, with its principal place of business located at 1 Ford Place, Suite 5B, Detroit, Michigan 48202.

5. HFHS' registered agent is Edith Eisenmann located at 1 Ford Place, Suite 5B, Detroit, Michigan 48202.

JURISDICTION AND VENUE

6. Pursuant to 28 U.S.C. §§ 1331 and 1338(a), this Court has original jurisdiction over the subject matter of this action because this is an action arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et. seq.*

7. This court has personal jurisdiction over HFHS because HFHS is (a) transacting business in the State of Michigan; (b) committing tortious acts within the State of Michigan; and (c) engaging in substantial and not isolated activity within the State of Michigan.

8. Pursuant to 28 U.S.C. §§ 1391 and 1400(b), venue is proper in this district.

GENERAL ALLEGATIONS

9. Hawk Technology Systems, LLC was formed in 2012 to commercialize the inventions of its founder, Barry Schwab.

10. Mr. Ken Washino and Mr. Schwab invented what is claimed by the '462 Patent.

11. 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.

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

13. Hawk is the exclusive owner of all rights, title, and interest in the '462 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement thereof.

14. Hawk became the owner of all rights, title, and interest in the '462 Patent by virtue of an assignment from Multi-Format, Inc., a New Jersey corporation ("MFI").

15. MFI obtained its rights, title, and interest in the '462 Patent by virtue of an assignment from Messrs. Washino and Schwab.

Claim 1 Of The '462 Patent

16. Claim 1 of the '462 patent states:

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).

Claim 12 Of The '462 Patent

17. Claim 12 of the '462 patent states:

The method of simultaneously 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).

Claim 15 Of The '462 Patent

18. Claim 15 of the '462 patent states:

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).

19. Hawk learned that HFHS uses a video storage and display system and methods that infringe the ‘462 Patent by reviewing the article attached hereto as Exhibit A. The article is available by viewing the website for DVTEL INC. (“DVTEL”).

20. Hawk has prepared a claim chart which explains how each limitation reads onto the system claimed by Claims 1 and 15 and the method claimed by Claim 12 of the ‘462 Patent. At least each of these three claims are infringed.

21. All conditions precedent to bringing this action have occurred or been waived.

22. Hawk has retained counsel to represent it in this matter and is obligated to pay its counsel a reasonable fee for its services.

23. Pursuant to 35 U.S.C. § 285, Hawk is entitled to recover its attorneys’ fees.

COUNT I: DIRECT INFRINGEMENT OF THE '462 PATENT

24. The allegations contained in paragraphs 1-23 above are hereby re-alleged as if fully set forth herein.

25. Without Hawk's authorization, HFHS uses a video storage and display system and/or methods that infringe one or more of the claims in the '462 Patent.

26. Hawk has been damaged by HFHS' infringement.

WHEREFORE, Hawk Technology Systems, LLC respectfully requests the Court:

A. Enter a judgment finding that Henry Ford Health System has directly infringed the '462 Patent.

B. Pursuant to 35 U.S.C. § 284, order Henry Ford Health System to pay damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention, together with interest and costs;

C. Find this to be an exceptional case of patent infringement under 35 U.S.C. § 285 and award reasonable attorneys' fees, costs, and expenses incurred by Hawk Technology Systems, LLC in prosecuting this action; and

D. Award such other and further relief as the Court deems just and proper.

JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: May 19, 2014

Respectfully submitted,

LAW OFFICE OF MARC I. SHULMAN

By: /s/ MARC I. SHULMAN
MARC I. SHULMAN (P30396)
Attorney for Plaintiff
2 South Biscayne Blvd., Ste. 3800
Miami, FL 33131
(786) 431-2228

	<u>Case Style</u>	<u>Case Number</u>	<u>Judge</u>
1.	Avigilon Corp v. Hawk Technology Systems, LLC	1:12-cv-23009-DMM	Donald M. Middlebrooks
2.	Hawk Technology Systems, LLC v. Vicon Industries, Inc.	1:13-cv-20632-CMA	Cecilia M. Altonaga
3.	Hawk Technology Systems, LLC v. BJ's Wholesale Club, Inc.	1:13-cv-22291-CMA	Cecilia M. Altonaga
4.	Hawk Technology Systems, LLC v. The Container Store, Inc.	2:13-cv-00576-JRG	Rodney Gilstrap
5.	Hawk Technology Systems, LLC v. Boyd Gaming Corporation	2:13-cv-00579-JRG	Rodney Gilstrap
6.	Hawk Technology Systems, LLC v. Eldorado Resorts, LLC	2:13-cv-00580-JRG	Rodney Gilstrap
7.	Hawk Technology Systems, LLC v. Dillard's, Inc.	2:13-cv-00786-JRG	Rodney Gilstrap
8.	Hawk Technology Systems, LLC v. University of Miami	1:13-cv-24004-KMM	K. Michael Moore
9.	Hawk Technology Systems, LLC v. Brickell Financial Centre, LLC	1:13-cv-24005-PAS	Patricia A. Seitz
10.	Hawk Technology Systems, LLC v. Burlington Coat Factory Direct Corporation	0:13-cv-62415-PAS	Patricia A. Seitz
11.	Hawk Technology Systems, LLC v. Peabody Hotels, Ltd. et al	6:13-cv-01732-GAP-KRS	Gregory A. Presnell
12.	Genetec Inc. v. Hawk Technology Systems, LLC	1:13-cv-24235-PAS	Patricia A. Seitz
13.	Hawk Technology Systems, LLC v. Fanuc Robotics Corporation	2:13-cv-15234-BAF-RSW	Bernard A. Friedman
14.	Hawk Technology Systems, LLC v. Hollywood Beach Resort Rental Program, LLC	0:13-cv-62819-KMM	K. Michael Moore
15.	Hawk Technology Systems, LLC v. Saker Shoprite, Inc.	1:13-cv-07895-JBS-JS	Jerome B. Simandle
16.	Hawk Technology Systems, LLC v. Universal City Development Partners, LTD	6:14-cv-00137-RBD-GJK	Roy B. Dalton, Jr.
17.	Hawk Technology Systems, LLC v. Ritz-Carlton Hotel Company, LLC	1:14-cv-00299-RM-KMT	Raymond P. Moore
18.	Hawk Technology Systems, LLC v. Costco Wholesale Corporation	0:14-cv-60164-WJZ	K. Michael Moore
19.	Hawk Technology Systems, LLC v. NCL Corporation Ltd.	1:14-cv-20430-KMM	K. Michael Moore
20.	Hawk Technology Systems, LLC v. Woodman's Food Market, Inc.	3:14-cv-00084-SLC	Stephen I. Crocker
21.	Hawk Technology Systems, LLC v. Pacific Langham Chicago	1:14-cv-00662	John Z. Lee
22.	Hawk Technology Systems, L.L.C. v. Ritz-Carlton Hotel Company, LLC	1:14-cv-00299-RM-KMT	Raymond P. Moore

23.	Hawk Technology Systems, LLC v. NCL Corporation Ltd.	1:14-cv-20430-KMM	K. Michael Moore
24.	Hawk Technology Systems, LLC v. Loyola University of Chicago	1:14-cv-00976	John Z. Lee
25.	Hawk Technology Systems, LLC v. Detroit Entertainment, LLC	2:14-cv-10782-PDB-MAR	Mark A. Randon
26.	Hawk Technology Systems, LLC v. Old CF, Incorporated	2:14-cv-10860-GCS-DRG	George Caram Steeh
27.	Hawk Technology Systems, LLC v. United Supermarkets LLC	2:14-cv-00185-JRG	Rodney Gilstrap
28.	Hawk Technology Systems, LLC v. The Old Evangeline Downs, L.L.C.	2:14-cv-00216-JRG	Rodney Gilstrap
29.	Hawk Technology Systems, LLC v. Columbia Sportswear USA Corporation	1:14-cv-21081-KMM	Judge K. Michael Moore
30.	Hawk Technology Systems, LLC v. The Pennsylvania State University	4:14-cv-00839-MWB	Matthew W. Brann
31.	Hawk Technology Systems, LLC v. Macerich Management Company	2:14-cv-01181-ODW-AS	Judge Otis D. Wright, II

DVTEL Case Study: Hospitals

Four hospitals / healthcare facilities enjoy DVTEL's surveillance solutions

Quick Facts:

Customers:

- ◆ Henry Ford Hospital, Detroit
- ◆ Baptist St. Anthony Hospital
- ◆ JPS Center for Women
- ◆ Tarrant County Health Center

Challenge:

- ◆ An upgraded solution that was integrated and cost-effective for on-site and remote monitoring
- ◆ Scalable with ability to grow in the future

Results:

- ◆ Collective savings of over \$100,000
- ◆ Upgraded surveillance systems, lowered Total Cost of Ownership, increased ROI, reduction in personnel.
- ◆ Full integration to existing systems with the ability to grow

Healthcare Organizations face a myriad of issues and challenges in addition to ensuring the safety of staff and patients. Hospitals often have large geographically dispersed facilities and multiple perimeters for which they must provide rapid response to any security threats that arise. Healthcare facilities are like mini-cities, complete with a constant stream of visitors, vendors, deliveries and maintenance workers. Multiple entries and exits at these buildings need monitoring.

Challenge – One of Security

In eight recent healthcare facility installations, DVTEL was consistently asked to upgrade CCTV surveillance without increasing costs. While the healthcare faces significant budget constraints, most facilities want to improve surveillance, ensure better video quality, and store video for longer periods. They also want an upgraded video solution that integrates to existing security infrastructure and business systems, and to have the ability to expand in the future.

DVTEL Technology Behind the Solution

Partnering with best-of-breed consultants, security application providers, and system integrators, DVTEL offered its comprehensive turnkey Network Video Management System (NVMS) that provides unprecedented ease of integration, while fitting seamlessly into an existing network environment. The open architecture is highly scalable, offers end users flexibility in choosing hardware, and delivers cost effective storage and data protection. The result is a system that upgrades surveillance and safety, reduces total cost of ownership, and significantly enhances return on investment.

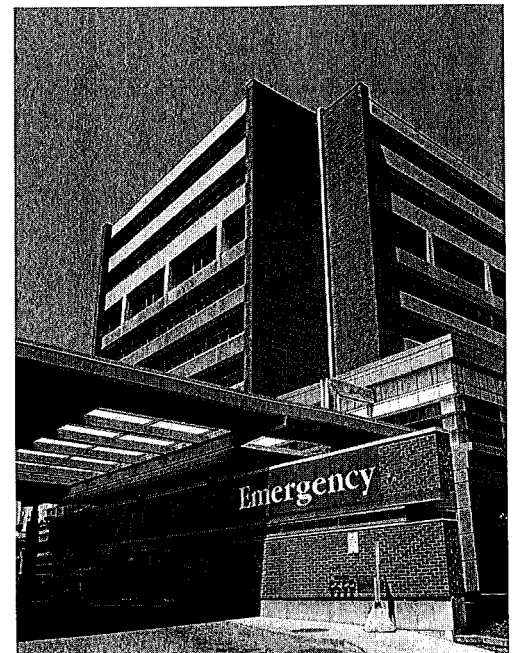


EXHIBIT "A"

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VIDEO INNOVATION TO SECURE YOUR BUSINESS

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DVTEL Case Study: Hospitals

Healthcare

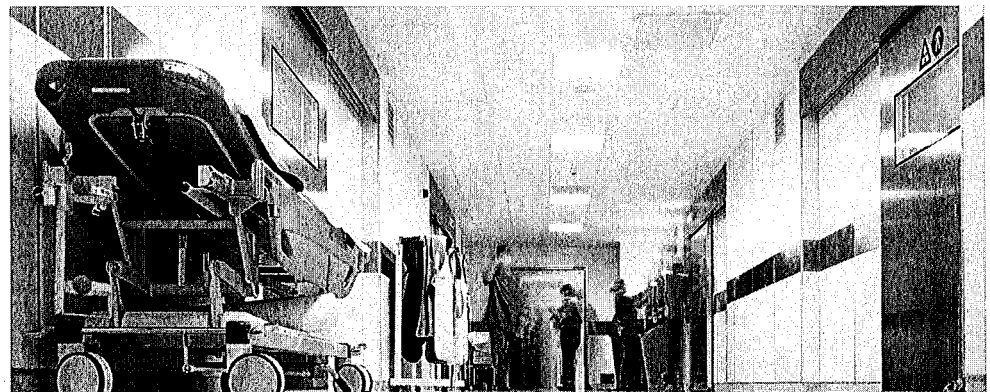
Highlights

At Detroit's Henry Ford Hospital, administrators wanted an eventual 200+ new camera system recorded at one site; viewable at multiple locations, remotely, and from PDAs; and one that could accommodate cameras from multiple manufacturers. The DVTEL installation cost \$10,000 less than a traditional analog system and laid the groundwork for future savings of over \$60,000, when remote viewing is implemented to replace security personnel.

Baptist St. Anthony Hospital wanted a network video system to overcome the shortcomings of poor quality VCRs and the heavy maintenance required for DVRs. The new 120-camera installation sits on the hospital network backbone, providing high-quality viewing and recording, critical redundancy, and integration capabilities with the emergency intercom systems in the hospital's parking facilities.

The JPS Center for Women had multiple sites in need of monitoring and recording, and wanted it done by police from the main hospital building. DVTEL's scalable system enabled the hospital to add cameras as sites came online and saved the organization tens of thousands of dollars by eliminating the need for guards at the various remote sites.

The Tarrant County Health Center wanted to extend surveillance operations from the main hospital to a remote facility three blocks away. Hospital security personnel can now live view and archive the remote site without officers on the premises. The enhanced system performance and reduction in manpower provided a strong incentive for the center to integrate other remote facilities into the main hospital's central monitoring system.



About DVTEL INC.

With thousands of installations spanning five continents, DVTEL is a world-class developer of open video surveillance solutions including video management systems, cameras, encoders, video analytics, custom integration and applications.

DVTEL works in partnership with system integrators, end-users as well as with other leading industry players to be an all-inclusive provider of open solutions on a platform that provides full integration.

DVTEL's product line delivers scalability, flexibility and functionality with the ability to grow seamlessly. Regardless of what you have today; without loss of investment; small, medium or large scale projects, DVTEL ties everything together. For more information: +1-201-368-9700 or www.dvstel.com.

DVTEL is a trademark of DVTEL INC.
DVTEL reserves the right to make changes without notice.
Hospital Case Study, Feb. 3, 2013

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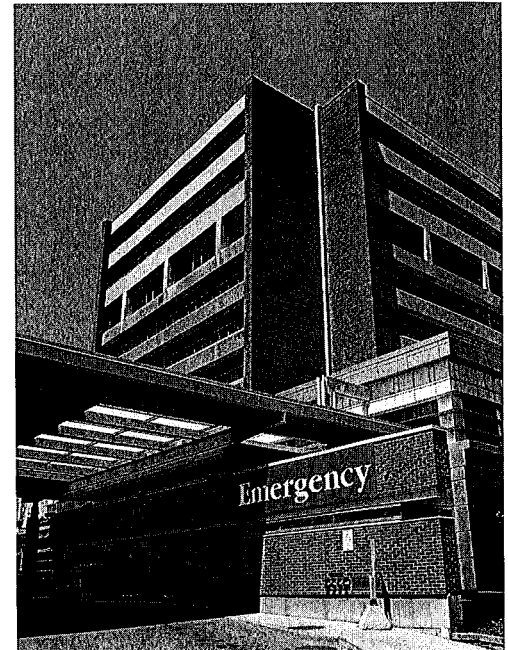
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