Complaint

Plaintiff, HAWK TECHNOLOGY SYSTEMS, LLC ("Hawk"), hereby sues MACERICH MANAGEMENT COMPANY ("MMC") and alleges:

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### 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.

#### **PARTIES**

- 2. 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.
- 3. MMC is a corporation organized and existing under the laws of the State of California, with its principal place of business located at 401 Wilshire Boulevard, Suite 700, Santa Monica, California 90401.
- MMC's registered agent is CT Corporation System located at 818 W.
   Seventh Street, Los Angeles, CA 90017.
- 5. MMC acts as the management corporation for The Shops at Atlas Park located in Glendale, New York.

### 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 MMC because MMC is (a) transacting business in the State of California; (b) committing tortious acts within the State of California; and (c) engaging in substantial and not isolated activity within the State of California.

1	8. Pursuant to 28 U.S.C. §§ 1391 and 1400(b), venue is proper in this
2	district.
3	GENERAL ALLEGATIONS
4	9. Hawk Technology Systems, LLC was formed in 2012 to commercialize
5	the inventions of its founder, Barry Schwab.
6	10. Mr. Ken Washino and Mr. Schwab invented what is claimed by the
7	'462 Patent.
8	11. Mr. Washino and Mr. Schwab have collaborated on a number of other
9	pioneering inventions resulting in patents in the areas of video archiving, video
10	downloading and digital cinema.
11	12. Mr. Schwab is also a named inventor on more than thirty patents,
12	ranging from consumer products to secure network computing.
13	Claim 1 Of The '462 Patent
14	13. Claim 1 of the '462 patent states:
15	A video storage and display system, comprising:
16	one or more video cameras, each outputting a signal representative of a video image;
17	means to receive the signals from each camera and digitally compress the
18	images;
19	two forms of high-capacity storage media, one being randomly searchable while the other continues to store the digitally compressed image; and
20	a computer configured to receive the digitally compressed images, the
21	computer being interfaced to the following devices:
22	a display screen,
23	means to receive externally derived operator commands, and
24	the high-capacity storage media, and
25	wherein the computer is programmed to perform the following functions:
26	display the digitally compressed images from the cameras in different windows on the display screen, each window being associated with an
27	update rate and dimensions in pixels,
28	

1 2	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,					
3	store the digitally compressed images in the high connectivistance madia					
4	vary the spatial parameters and temporal parameters at which a particular					
5	image is stored in accordance with one of the externally derived commands.					
6	('462 Patent, Col. 10, line 57 – Col. 11, line 20).					
7	Claim 12 Of The '462 Patent					
8	14. Claim 12 of the '462 patent states:					
9	The method of simultaneously displaying and storing multiple video images, comprising the steps of:					
10						
11	receiving video images at a personal computer based system from one or more sources;					
12	digitizing any of the images not already in digital form using an analog-to-digital converter;					
13						
14 15	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;					
16	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					
17	image; and simultaneously storing the converted images in a storage device.					
18	('462 Patent, Col. 11, line 62 - Col. 12, line 10).					
19	Claim 15 Of The '462 Patent					
20	15. Claim 15 of the '462 patent states:					
21	A video storage and display system, comprising:					
22	one or more video cameras, each outputting a signal representative of a video					
23	image;					
24	means to receive the signals from each camera and digitally compress the images; and					
25 26	a computer configured to receive the digitally compressed images, the computer being interfaced to the following devices:					
7	a display screen,					
8	means to receive externally derived operator commands including means					
- 11						

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1	WHEREFORE, Hawk Technology Systems, LLC respectfully requests the					
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3	A. Enter a judgment finding that Macerich Management Company has					
4	directly infringed the '462 Patent.					
5	B. Pursuant to 35 U.S.C. § 284, order Macerich Management Company to					
6	pay damages adequate to compensate for the infringement, but in no event less than					
7	a reasonable royalty for the use made of the invention, together with interest and					
8	costs;					
9	C. Find this to be an exceptional case of patent infringement under 35					
10	U.S.C. § 285 and award reasonable attorneys' fees, costs, and expenses incurred by					
11	Hawk Technology Systems, LLC in prosecuting this action; and					
12	D. Award such other and further relief as the Court deems just and proper.					
13	DEMAND FOR A JURY TRIAL					
14	Plaintiff hereby demands a trial by jury on all triable issues.					
15						
16	Respectfully submitted,					
17						
18	LIPSCOMB, EISENBERG & BAKER, PL					
19	Attorneys for Plaintiff					
20						
21   22	TOR L					
23	By: Herker					
24	Deborah B. Baker					
25						
26	·					
27						
28						
	Complaint					

# UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

#### NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

	This case has been assigned	to District Judge	Otis D. Wrigl	nt II and the	assigned	
Magist	rate Judge is	Alka Sagar				
J		on all documents filed v  2:14-cv-01181-		d read as follows:		
Califor	Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.					
	All discovery related motion	ns should be noticed or	n the calendar of the	Magistrate Judge.		
- Company of the Comp	February 14, 2014 Date		Clerk, U. S. Di By <u>APEDRO</u> Deputy Cle			
		NOTICE TO	COUNSEL			
	of this notice must be served copy of this notice must be		l complaint on all dej	<sup>f</sup> endants (if a removal ac	tion is	
Subsec	quent documents must be	iled at the following lo	cation:			
	Western Division 312 N. Spring Street, G-8 Los Angeles, CA 90012	Southern Division 411 West Fourth Santa Ana, CA 92	St., Ste 1053	Eastern Division 3470 Twelfth Street, Roo Riverside, CA 92501	m 134	
Failur	e to file at the proper locat	ion will result in your o	locuments being re	turned to you.		

## UNITED STATES DISTRICT COURT

for the

HAWK TECHNOLOGY SYSTEMS, LLC,	) ) )
Plaintiff(s) V.	Civil Action No.
MACERICH MANAGEMENT COMPANY	8114-01181-01W(ASX)
Defendant(s)	

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Deborah B. Baker (SBN 266141)

LIPSCOMB, EISENBERG & BAKER, PL

2 South Biscayne Boulevard

Penthouse 3800 Miami, Florida 33131

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date:

CLERK OF COURT

Signature

?02°

#### Case 2:14-cv-01181-ODW-AS Document 1 Filed 02/14/14 Page 9 of 12 Page ID #:22

S DISTRICT COURT, CENTRAL DISTRICT OF UNITED S **IFORNIA** CIVIL COVER SHEET ( La) DLAINTIFFS ( Check box if you are representing yourself [ ] ) DEFENDANTS ( Check box if you are representing yourself [ ] ) HAWKTECHNOLOGY SYSTEMS, LLC MACERICH MANAGEMENT COMPANY (b) County of Residence of First Listed Plaintiff County of Residence of First Listed Defendant (EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY) (c) Attorneys (Firm Name, Address and Telephone Number) If you are Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. representing yourself, provide the same information. Deborah B. Baker, Esq., Lipscomb, Eisenberg & Baker, PL 2 South Biscayne Blvd., Suite 3800, Miami, Florida 33131 II. BASIS OF JURISDICTION (Place an X in one box only.) III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) 1.U.S. Government 3. Federal Question (U.S. DEF Plaintiff Citizen of This State Incorporated or Principal Place Government Not a Party) ☐ 4 ☐ 4 of Business in this State Citizen of Another State Incorporated and Principal Place □ 5 □ 5 2. U.S. Government 74. Diversity (Indicate Citizenship of Business In Another State Citizen or Subject of a Defendant of Parties in Item III) Foreign Country 3 Foreign Nation 6 6 IV. ORIGIN (Place an X in one box only.) 1. Original 2. Removed from 3. Remanded from 4. Reinstated or 5. Transferred from Another 6. Multi-Proceeding State Court Appellate Court District Reopened District (Specify) Litigation V. REQUESTED IN COMPLAINT: JURY DEMAND: X Yes No (Check "Yes" only if demanded in complaint,) CLASS ACTION under F.R.Cv.P. 23: Yes X No MONEY DEMANDED IN COMPLAINT: \$ VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Patent Infringement of United States Patent No. RE43,462 ('462 Patent) - Patent Laws of the United States, 35 U.S.C. § 1 VII. NATURE OF SUIT (Place an X in one box only). OTHER STATUTES CONTRACT REAL PROPERTY CONT. IMMIGRATION PRISONER PETITIONS 110 Insurance PROPERTY RIGHTS 375 Faise Claims Act 240 Torts to Land 462 Naturalization 400 State Habeas Corpus: Application 245 Tort Product 820 Copyrights 120 Marine Reapportionment Liability 463 Alien Detainee 465 Other X 830 Patent 130 Miller Act 4 10 Antitrust 510 Motions to Vacate 290 All Other Real Immigration Actions Sentence ☐ 840 Trademark 430 Banks and Banking 140 Negotiable Property TORTS 530 General TORTS Instrument SOCIAL SECURITY 450 Commerce/ICC PERSONAL PROPERTY 535 Death Penalty PERSONALINIURY 150 Recovery of 861 HIA (1395ff) Rates/Etc. 370 Other Fraud Overpayment & 310 Airplane Other: 460 Deportation 862 Black Lung (923) Enforcement of 371 Truth in Lending 315 Alrpiane Judgment 540 Mandamus/Other 470 RacketeerInflu-863 DIWC/DIWW (405 (g)) Product Liability 380 Other Personal enced & Corrupt Org. 550 Civil Rights 151 Medicare Act 864 SSID Title XVI 320 Assault, Libel & Property Damage 480 Consumer Credit Slander 555 Prison Condition 152 Recovery of 385 Property Damage 865 RSI (405 (g)) 330 Fed. Employers 560 Civil Detainee Defaulted Student 490 Cable/Sat TV Product Liability Liability Loan (Excl. Vet.) Conditions of FEDERAL TAX SUITS BANKRUPTCY 850 Securities/Com-340 Marine Confinement 870 Taxes (U.S. Plaintiff or 153 Recovery of FORFEITURE/PENALTY modities/Exchange 422 Appeal 28 345 Marine Product Overpayment of Defendant) **USC 158** 890 Other Statutory Liability 625 Drug Related Vet. Benefits 871 IRS-Third Party 26 USC. 423 Withdrawal 28 USC 157 Actions Seizure of Property 21 350 Motor Vehicle 160 Stockholders' USC 881 891 Agricultural Acts Suits 355 Motor Vehicle CIVIL RIGHTS 690 Other 893 Environmental **Product Liability** 190 Other 360 Other Personal 440 Other Civil Rights Matters LABOR Contract 895 Freedom of Info. Injury 710 Fair Labor Standards 441 Voting ☐ Ãct 195 Contract 362 Personal Injury-Act Product Liability Med Malpratice 442 Employment 896 Arbitration 720 Labor/Mgmt. 196 Franchise 365 Personal Injury-443 Housing/ Relations Product Liability Accommodations REALPROPERTY 899 Admin. Procedures 740 Railway Labor Act 367 Health Care/ Act/Review of Appeal of 445 American with 210 Land Pharmaceutical 751 Family and Medical Disabilities-Agency Decision Condemnation Personal Injury Product Liability Employment Leave Act 220 Foreclosure 446 American with 790 Other Labor 950 Constitutionality of 368 Asbestos 230 Rent Lease & Disabilities-Other Litigation State Statutes Personal Injury 791 Employee Ret. Inc. Ejectment 448 Education

FOR OFFICE USE ONLY: CV-71 (11/13)

Security Act

Product Liability

Case North

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# UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal,

Question A: Was this case removed from state court?		STATE:CASE WAS PENDING IN THE COUNTY OF				INITIAL DIVISION IN CACD IS:				
Yes 🗵 No		Los Angeles					Western			
if "no," go to Question B. If "yes," check the box to the right that applies, enter the			☐ Ventura, Santa Barbara, or San Luis Obispo				Western			
corresponding division in response to	0		Orange				Southern			
Question D, below, and skip to Section	on IX.		liverside or San Bernardino				Eastern			
Question B: Is the United States, o	r one of							(Garreno)	-2007-201-201-001-001-001-001-001-001-001-001	
its agencies or employees, a party ( action?	to this	If the United States, or one of its agencies or employees, is a party, is a			INITIAL					
☐ Yes [xī] No		A PLAINTIFF?			A DEFENDANT?			DIVISION IN CAED IS:		
		Th V	en check the box below for the co hich the majority of DEFENDANI	ounty in Sireside	unty in Then check the box below for the county in reside which the majority of PLAINTIFFS reside			in :		
If "no," go to Question C. If "yes," che box to the right that applies, enter the			os Angeles		7	s Angeles		Western		
corresponding division in response to Question D, below, and skip to Sectio	>		Ventura, Santa Barbara, or San Luis Obispo		is Ventura, Santa Barbara, or San L Obispo		Luis Western			
Question of pelow, and skip to sectio	BIA.		Prange		☐ Or	ange	Southern		ern	
		☐ <sup>F</sup>	iverside or San Bernardino		Ri	verside or San Bernardino	Eastern		'n	
		Cther			☐ o:	her		Weste	rn	
Question C: Location of	a A	2	В	C.	A Comment	D	E		F.	
plaintiffs, defendants, and claims? (Make only one selection per row)	Los An Cou		Ventura, Santa Barbara, or San Luis Obispo Counties	Orange (	ounty	Riverside or San Bernardino Counties	Outside the Centra District of Californi	194	Other	
Indicate the location in which a majority of plaintiffs reside:		]			*********	П	П		$\boxtimes$	
Indicate the location in which a majority of defendants reside:	×									
Indicate the location in which a majority of claims arose:	×	]			]					
								- 1		
C.1. Is either of the following true?	If so, ch	eck th	e one that applies:	C.2. Is	ither o	f the following true? If so	check the one that an	nlios		
2 or more answers in Colum	ın C			C.2. Is either of the following true? If so, check the one that applies:  2 or more answers in Column D						
only 1 answer in Column C	and no a	nswer	s in Column D only 1 answer in Column D and no answers in Column C							
Your case will initi	ially be a	ssiane	d to the							
SOUTHE Enter "Southern" in resp	RN DIVIS	ION.		Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D., below.						
If none applies, answer question C2 to the right.			to the right.	If none applies, go to the box below.						
		*****	Your case will in	nitially be a	ssigned	to the	· · · · · · · · · · · · · · · · · · ·			
			WES' Enter "Western" in n	TERN DIVIS esponse to		on D below.				
								· · · · · · · · · · · · · · · · · · ·		
Question D: Initial Division?						INITIAL DIVIS	ON IN CACD	Selection of the select		
Enter the initial division determined by Question A, B, or C above:										
				······································	Los Ar	igeles		·		

CV-71 (11/13)

# UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

IX(a). IDENTICAL CA	SES: Has this ac	tion been previously filed in this court and dismissed, remanded or closed?	X NO	YES
If yes, list case num	iber(s):		<del></del>	
IX(b). RELATED CASE	ES: Have any cas	ies been previously filed in this court that are related to the present case?	□ NO	<b>⋉</b> YES
If yes, list case num	ber(s): SEE ATT,	ACHMENT		
Civil cases are deemed	related if a previo	ously filed case and the present case:		
(Check all boxes that app	oly) 🔲 A. Arisë	from the same or closely related transactions, happenings, or events; or		
	B. Call fo	or determination of the same or substantially related or similar questions of law and fact;	or	
	C. For ot	ther reasons would entail substantial duplication of labor if heard by different judges; or		
	X D. Involv	ve the same patent, trademark or copyright <u>, and o</u> ne of the factors identified above in a,	b or c also is pre:	sent.
but is used by the Clerk of the	TED LITIGANT) The CV-71 (JS-44) law. This form, ap he Court for the pu	Civil Cover Sheet and the information contained herein neither replace nor supplement proved by the Judicial Conference of the United States in September 1974, is required purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instruc		
Key to Statistical codes relat		ity Cases:		-
Nature of Suit Code 861	Abbreviation HIA	Substantive Statement of Cause of Action  All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social include claims by hospitals, skilled nursing facilities, etc., for certification as providers (42.U.S.C. 1935FF(b))	Security Act, as a of services under	mended. Also, the program.
862	BL.	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Heal 923)	th and Safety Act	of 1969. (30 U.S.C.
863.	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))	Social Security A	ict, as amended; plus
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Tamended. (42 U.S.C. 405 (g))	itle 2 of the Socia	al Security Act, as
864	SSID	All claims for supplemental security income payments based upon disability filed und amended.	er Title 16 of the	Social Security Act, as
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Sec	urity Act, as ame	ended.

	Case Style	Case Number	Judge
1.	Avigilon Corp v. Hawk Technology	1:12-cv-23009-DMM	Donald M.
	Systems, LLC		Middlebrooks
2.	Hawk Technology Systems, LLC v. Vicon	1:13-cv-20632-CMA	Cecilia M. Altonaga
	Industries, Inc.		
3.	Hawk Technology Systems, LLC v.	1:13-cv-22291-CMA	Cecilia M. Altonaga
	BJ's Wholesale Club, Inc.		
4.	Hawk Technology Systems, LLC v.	2:13-cv-00576-JRG	Rodney Gilstrap
	The Container Store, Inc.		
5.	Hawk Technology Systems, LLC v. Boyd	2:13-cv-00579-JRG	Rodney Gilstrap
	Gaming Corporation		
6.	Hawk Technology Systems, LLC v.	2:13-cv-00580-JRG	Rodney Gilstrap
	Eldorado Resorts, LLC		
7.	Hawk Technology Systems, LLC v.	2:13-cv-00786-JRG	Rodney Gilstrap
8.	Dillard's, Inc.	1 1 2 2 4 2 2 4 2 2 4 2 4 2 4 2 4 2 4 2	
٥.	Hawk Technology Systems, LLC v. University of Miami	1:13-cv-24004-KMM	K. Michael Moore
9.	Hawk Technology Systems, LLC v.	1.12 04005 D.45	
7.	Brickell Financial Centre, LLC	1:13-cv-24005-PAS	Patricia A. Seitz
10.	Hawk Technology Systems, LLC v.	0:13-cv-62415-PAS	D-4-1-1- A O 1
10.	Burlington Coat Factory Direct	0:13-CV-02415-PAS	Patricia A. Seitz
	Corporation		
11.	Hawk Technology Systems, LLC v.	6:13-cv-01732-GAP-KRS	Crocomi A Duran II
	Peabody Hotels, Ltd. et al	0.13-CV-01/32-GAI-KKS	Gregory A. Presnell
12.	Genetec Inc. v. Hawk Technology	1:13-cv-24235-PAS	Patricia A. Seitz
	Systems, LLC	11.13 07 2 1233 1 110	Tantola A. Soltz
13.	Hawk Technology Systems, LLC v. Fanuc	2:13-cv-15234-BAF-RSW	Bernard A. Friedman
	Robotics Corporation	January 1923 i Dilli Roll	Deritard A. I Hedinan
14.	Hawk Technology Systems, LLC v.	0:13-cv-62819-KMM	K. Michael Moore
	Hollywood Beach Resort Rental Program,		12. 1/11011201
	LLC		
15.	Hawk Technology Systems, LLC v.	1:13-cv-07895-JBS-JS	Jerome B. Simandle
	Saker Shoprite, Inc.		
16.	Hawk Technology Systems, LLC v.	6:14-cv-00137-RBD-GJK	Roy B. Dalton, Jr.
	Universal City Development Partners,		,
	LTD		
17.	Hawk Technology Systems, LLC v.	1:14-cv-00299	Not Assigned
	Ritz-Carlton Hotel Company, LLC		