

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

VRINGO INFRASTRUCTURE, INC.	:	
	:	C.A. No. _____
Plaintiff,	:	
v.	:	JURY TRIAL DEMANDED
	:	
BELKIN INTERNATIONAL, INC.	:	
	:	
Defendant.	:	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Vringo Infrastructure, Inc. files this Complaint against Belkin International, Inc. for patent infringement of U.S. Patent No. 6,288,641 and hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*

PARTIES

2. Plaintiff Vringo Infrastructure, Inc. ("Vringo") is a Delaware corporation having a place of business at 780 3rd Avenue, 15th Floor, New York, New York 10017.

3. Vringo is an early stage technology company founded in August 2012. In that same month, Vringo acquired a global patent portfolio from Nokia Corporation ("Nokia"), including U.S. Patent No. 6,288,641. The portfolio covers a variety of technologies related to handsets, telecommunications infrastructure, and wireless communications.

4. In March 2013, as part of its development efforts, Vringo partnered with Virginia Tech Intellectual Properties, the licensing arm of Virginia Polytechnic Institute and State

University (commonly known as Virginia Tech). Through the partnership, Vringo has led research and development efforts related to patented wireless technology developed by Virginia Tech's Wireless@VT research group, one of the largest university wireless research groups in the United States. As a result of its efforts, Vringo filed over 25 patent applications in 2013.

5. Vringo's parent company, Vringo, Inc., developed and distributed mobile application products and services through partnerships with handset manufacturers and mobile network operators until February 2014 when InfoMedia Services Ltd. acquired Vringo Inc.'s mobile partnerships and application business. Vringo, Inc. offered its social and video ringtone mobile applications globally through mobile application stores and mobile network operators. Vringo, Inc. is the recipient of various industry awards and recognition.

6. Upon information and belief, Defendant Belkin International, Inc. ("Belkin") is a corporation organized under the laws of Delaware with its corporate headquarters at 12045 E. Waterfront Drive, Playa Vista, CA 90094.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*

8. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b) (c) (d), and 1400(b).

9. On information and belief, this Court has personal jurisdiction over Belkin by reason of its acts of patent infringement that have been committed in this Judicial District, and by virtue of its regularly conducted and systematic business contacts in Delaware including Belkin's incorporation in Delaware. As such, Belkin has purposefully availed itself of the privilege of conducting business within this Judicial District; has established sufficient minimum contacts

with this Judicial District such that it should reasonably and fairly anticipate being haled into court in this Judicial District; has purposefully directed activities at residents of Delaware; and at least a portion of the patent infringement claims alleged herein arise out of or are related to one or more of the foregoing activities.

BACKGROUND

10. On September 11, 2001, the United States Patent and Trademark Office duly and lawfully issued United States Patent No. 6,288,641 ("the '641 Patent"), entitled "Assembly, And Associated Method, For Remotely Monitoring A Surveillance Area." The '641 Patent was filed on September 15, 1999. A true and correct copy of the '641 Patent is attached to this Complaint as Exhibit A.

11. The '641 Patent relates to, amongst other things, the use of a mobile terminal to remotely monitor a surveillance location (*e.g.*, home or business).

12. The '641 Patent was invented by Eduardo Casais. At the time of the invention, Mr. Casais worked for Nokia, a world-wide leader in research and development related to wireless infrastructure and mobile handset technologies. The '641 Patent was initially assigned by Mr. Casais to Nokia.

13. Vringo is presently the owner by assignment from Nokia of the '641 Patent and possesses all of the rights of recovery under the '641 Patent, including the right to sue and recover damages for infringement of claims of the '641 Patent.

14. Mobile applications (or "apps") for remotely monitoring of homes and businesses have started to become available to consumers over the past several years. Belkin is a company that offers such mobile apps as well as the underlying remote surveillance equipment and services used with such mobile apps.

FIRST CLAIM FOR RELIEF
Infringement of U.S. Patent No. 6,288,641 by Belkin

15. The allegations set forth above are hereby realleged and incorporated herein by reference.

16. Belkin manufactures, uses, sells, offers to sell, and/or imports remote monitoring products, systems, and services in the United States that infringe one or more claims of the '641 Patent. Belkin commits such acts of direct patent infringement through the manufacture, use, sale, offer for sale, and/or importation of at least Belkin's "NetCam" cameras – which include Belkin's NetCam HD+ Wi-Fi Camera, NetCam Wi-Fi Camera with Night Vision, and NetCam HD Wi-Fi Camera with Night Vision – Belkin's servers, and Belkin's NetCam mobile application.

17. Belkin's NetCam cameras work with Belkin's NetCam mobile application and Belkin's servers to provide assemblies and apparatus for monitoring of surveillance areas. For example, see: <http://www.belkin.com/us/F7D7606-Belkin/p/P-F7D7606/>; and <https://itunes.apple.com/us/app/belkin-netcam/id568129866?mt=8>.

18. Belkin's NetCam user manuals discuss the use of Belkin's servers, including during camera set up: "Click 'Continue.' It will take a few seconds to register the camera with the server."; and "Network – Green: Connected to server." Belkin User Manual, F7D7601V1 • 8820-01175 Rev. B00, pps. 8, 15, 20, available at http://cache-www.belkin.com/support/dl/MAN_F7D6701V1_8820-01175_RevB00.pdf.

19. Examples of Belkin's NetCams and NetCam mobile application used on a mobile terminal are shown below:



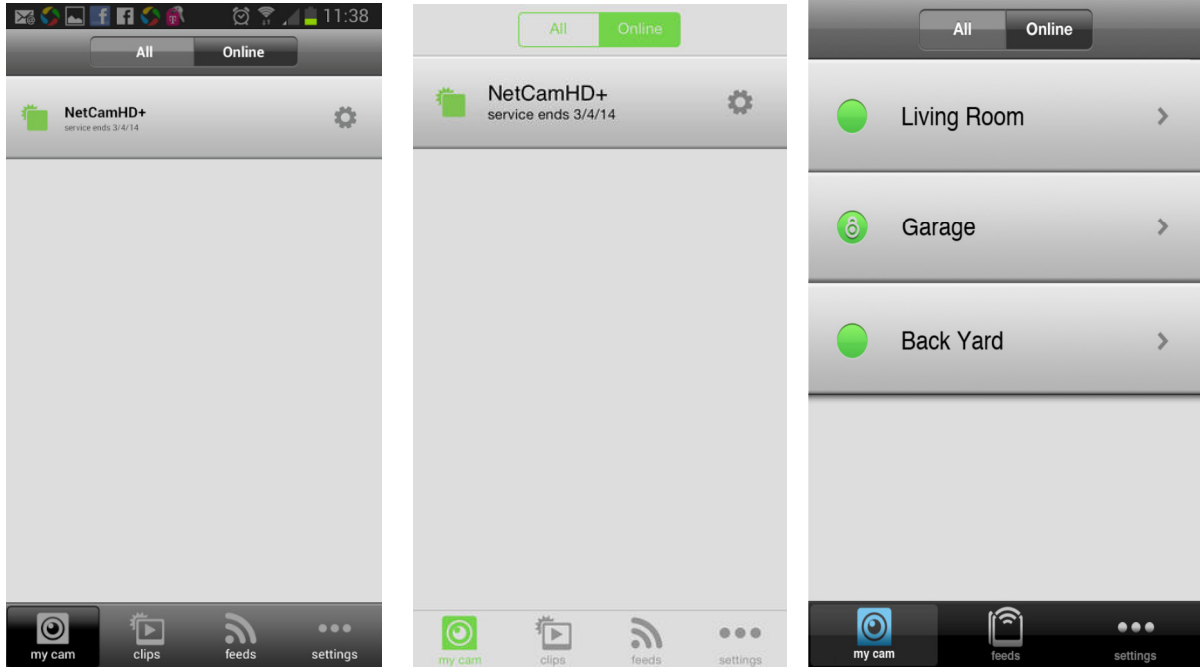
<http://www.belkin.com/us/Products/home-automation/c/netcam/>



<http://www.belkin.com/us/F7D7606-Belkin/p/P-F7D7606/>



Belkin User Manual, F7D7601V1 • 8820-01175 Rev. B00, pps. 22, 23.



<https://play.google.com/store/apps/details?id=com.belkin.android.androidbelkinnetcam&hl=en>;

<https://itunes.apple.com/us/app/belkin-netcam/id568129866?mt=8>;

http://cache-www.belkin.com/support/dl/QIG_F7D7602_8820-01324_RevA00_NetCamHD.pdf

20. Belkin's direct infringement of the '641 Patent has injured Vringo and will cause irreparable injury to Vringo unless Belkin is enjoined from continued acts of direct patent infringement.

21. Belkin has also been on notice of the '641 Patent at least as early as the filing and service of the Complaint in this action.

22. Upon information and belief, at least since its post-filing knowledge of the '641 Patent, Belkin knowingly encouraged, and continues to encourage, current and potential customers to directly infringe one or more claims of the '641 Patent including by its actions that include, without limitation, instructing and encouraging users to use Belkin's NetCam cameras, Belkin's NetCam app and Belkin's servers though Belkin's promotional and instructional materials, include through its website instructions and its user and instruction manuals.

23. Belkin instructed and continues to instruct customers how to set up, use, and troubleshoot its NetCam cameras and NetCam app including on its own www.belkin.com website that provides support articles, videos, FAQs, etc. on setting up and using these products, such as at the webpage: <http://www.belkin.com/us/support-product?pid=01t80000003HNVeAAO>.

24. Belkin also provided and continues to provide instructional videos for users on websites such as YouTube. See, for example, the video at <https://www.youtube.com/watch?v=KIOs-Lyzlwc>.

25. Belkin's customers directly infringe the apparatus and method claims of the '641 Patent through their set up and use of NetCam cameras, Belkin's NetCam app and Belkin's servers.

26. Upon information and belief, Belkin is in violation of 35 U.S.C. § 271(b), and has been, at least since its post-filing knowledge of the '641 Patent, indirectly infringing, and continues to infringe indirectly, at least one or more claims of the '641 Patent by knowingly and specifically intending to contribute or induce infringement by others (*e.g.*, including but not limited to current and potential customers) via at least the acts of advertisements, promotional materials, and instructions to use Belkin's NetCam cameras and NetCam app that are specifically configured to act according to the claims of the '641 Patent and do not have substantial non-infringing uses.

27. Belkin's NetCam cameras and NetCam apps constitute transducers and mobile device software that, as sold and as used, are only capable of use for remotely monitoring a surveillance area using a mobile terminal in accordance with one or more claims of the '641 Patent.

28. Vringo has been damaged by the indirect and direct infringement of Belkin and is suffering and will continue to suffer irreparable harm and damage as a result of this infringement unless such infringement is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Vringo requests entry of judgment in its favor and against Belkin as follows:

- A. Finding that Belkin has infringed one or more claims of the '641 Patent;
- B. Permanently enjoining Belkin and its respective officers, directors, agents, employees, attorneys, licensees, successors, assigns, and those acting in concert or participation with them from infringing the '641 Patent;
- C. Awarding Vringo damages under 35 U.S.C. § 284 or as otherwise permitted by law, including supplemental damages for any continued post-verdict infringement together with prejudgment and post-judgment interest on the damages award and costs and enhancement for willful infringement;
- D. Awarding costs of this action (including all disbursements) and attorney's fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- E. Awarding such other costs and further relief that the Court determines to be just and equitable.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Vringo hereby demands a trial by a jury on all issues so triable.

Dated: July 21, 2014

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