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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HAWK TECHNOLOGY SYSTEMS, LLC,)
)
Plaintiff,)
)
v.)
)
BERKS PACKING COMPANY, INC.,)
)
Defendant.)

Case No:

14 6237

COMPLAINT

Plaintiff, Hawk Technology Systems, LLC (“Hawk”), hereby sues Berks Packing Company, Inc. (“Berks Packing”) 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. 5,625,410 (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. Berks Packing is a corporation organized and existing under the laws of the state of Pennsylvania with its principal business address and registered agent address located at 319 Bingaman Street, Reading, PA 19602.

JURISDICTION AND VENUE

5. 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.*

6. This court has personal jurisdiction over Berks Packing because Berks Packing (a) operates, conducts, engages in and/or carries on a business in the State of Pennsylvania; (b) committed tortious acts within the State of Pennsylvania; and (c) is engaging in substantial and not isolated activity within the State of Pennsylvania.

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

GENERAL ALLEGATIONS

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

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

10. 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.

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

12. 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.

13. 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").

14. 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

15. 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

16. 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

17. 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).

18. Through the use of publically available information, 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 was infringed by Berks Packing.

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

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

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

COUNT I: DIRECT INFRINGEMENT OF THE '462 PATENT

22. The allegations contained in paragraphs 1-21 above are hereby re-alleged as if fully set forth herein.

23. Without Hawk's authorization, Berks Packing used a video storage and display system and/or methods that infringed one or more of the claims in the '462 Patent.

24. Hawk has been damaged by Berks Packing's infringement.

WHEREFORE, Hawk respectfully requests the Court:

A. Enter a judgment finding that Berks Packing Company, Inc. has directly infringed the '462 Patent.

B. Pursuant to 35 U.S.C. § 284, order Berks Packing Company, Inc. 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 Plaintiffs 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.

Respectfully submitted,

Dated: October 30, 2014



By: /s/Christopher P. Fiore
Christopher P. Fiore, Esquire
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Aman M. Barber, III, Esquire
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Fax: (215) 256-9205
Attorneys for Plaintiff

	Case Style	Case Number	Judge
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, LLC v. Loyola University of Chicago	1:14-cv-00976	John Z. Lee
23.	Hawk Technology Systems, LLC v. Detroit Entertainment, LLC	2:14-cv-10782-PDB-MAR	Mark A. Randon
24.	Hawk Technology Systems, LLC v. Old CF, Incorporated	2:14-cv-10860-GCS-DRG	George Caram Steeh
25.	Hawk Technology Systems, LLC v. United Supermarkets LLC	2:14-cv-00185-JRG	Rodney Gilstrap
26.	Hawk Technology Systems, LLC v. The Old Evangeline Downs, L.L.C.	2:14-cv-00216-JRG	Rodney Gilstrap
27.	Hawk Technology Systems, LLC v. Columbia Sportswear USA Corporation	1:14-cv-21081-KMM	Judge K. Michael Moore
28.	Hawk Technology Systems, LLC v. The Pennsylvania State University	4:14-cv-00839-MWB	Matthew W. Brann
29.	Hawk Technology Systems, LLC v. Macerich Management Company	2:14-cv-01181-ODW-AS	Judge Otis D. Wright, II
30.	Hawk Technology Systems, LLC v. Henry Ford Health System	4:14-cv-12027-LVP-MJH	Linda V. Parker
31.	Hawk Technology Systems, LLC v. Xtreme Indoor Karting, LLC	0:14-cv-61179-KMM	K. Michael Moore
32.	Hawk Technology Systems, LLC v. Tampa Bay Downs, Inc.	8:14-cv-01626-MSS-TBM	Mary S. Scriven
33.	Hawk Technology Systems, LLC v. California Cinema Investments Inc.	2:14-cv-03879-ODW-AS	Otis D. Wright, II
34.	Hawk Technology Systems, LLC v. NCL Corporation Ltd.	6:14-cv-00800-GAP-GJK	Gregory A. Presnell
35.	Milestone Systems, Inc. v. Hawk Technology Systems, LLC	1:14-cv-22030-BB	Beth Bloom
36.	Hawk Technology Systems, LLC v. KwikTrip, Inc.	3:14-cv-00486-jdp	James D. Peterson
37.	Hawk Technology Systems, LLC vs. Benedictine University	1:14-cv-05124	Andrea R. Wood
38.	Hawk Technology Systems, LLC vs. DePaul University	1:14-cv-05531	Milton I. Shadur
39.	Hawk Technology Systems, LLC v. Hideaway Restaurant, Inc.	6:14-cv-00341-RAW	Ronald A. White
40.	Hawk Technology Systems, LLC v. Caterpillar, Inc.	2:14-cv-01135-JFC	Joy Flowers Conti
41.	Hawk Technology Systems, LLC v. Taubman Centers, Inc.	2:14-cv-13267-SJM-MKM	Stephen J. Murphy, III

42.	Hawk Technology Systems, LLC v. Chico's Fas, Inc.	2:14-cv-00503-SPC-DNF	Sheri Polster Chappell
43.	Hawk Technology Systems, LLC v. Justice Family Group, LLC	5:14-cv-25275	Irene C. Berger
44.	Hawk Technology Systems, LLC v. Gold Coast Group, LTD	1:14-cv-06986	Charles R. Norgle

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

-----X	:	
HAWK TECHNOLOGY SYSTEMS, LLC,	:	
	:	Civil Action No.
Plaintiff,	:	
	:	
vs.	:	
	:	
BERKS PACKING COMPANY, INC,	:	
	:	
Defendant.	:	
-----X	:	

NOTICE OF FILING RULE 7.1 DISCLOSURE STATEMENT

PLEASE TAKE NOTICE, pursuant to Rule 7.1, Plaintiff does not have a parent corporation nor a publically held corporation that owns more than 10% of its stock.

Respectfully submitted,
FIORE & BARBER, LLC

By: /s/ Christopher P. Fiore
Christopher P. Fiore, Esquire
418 Main Street, Suite 100
Harleysville, PA 19438
Tel: (215) 256-0205
Fax: (215) 256-9205
Email: cfiore@fiorebarber.com
ATTORNEYS FOR PLAINTIFF

EGS

CIVIL COVER SHEET

5.14-cv-6237

JS 44 (Rev. 11/04)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS HAWK TECHNOLOGY SYSTEMS, LLC.	DEFENDANTS BERKS PACKING COMPANY, INC.,
(b) County of Residence of First Listed Plaintiff <u>Miami-Dade County</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>	County of Residence of First Listed Defendant <u>Berks County</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small>
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.	
(c) Attorney's (Firm Name, Address, and Telephone Number) Christopher P. Fiore, Esq. 425 Main Street, Suite 200 Harleysville, PA 19438 Tel: (215) 256-0205 Fax: (215) 256-9205	Attorneys (If Known) <div style="border: 1px solid black; border-radius: 50%; width: 50px; height: 50px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> AR </div>

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)												
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%;">Citizen of This State</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:25%;">Incorporated or Principal Place of Business in This State</td> <td style="width:10%;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6
Citizen of This State	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4										
Citizen of Another State	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6										

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habes Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
Patent Laws of the United States, 35 U.S.C. § 1

VI. CAUSE OF ACTION
 Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE See Attachment DOCKET NUMBER See Attachment

DATE: 10/27/2014 SIGNATURE OF ATTORNEY OF RECORD: _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

OCT 30 2014



FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2 South Biscayne Blvd. Suite 3800, Miami, FL 33131

Address of Defendant: 319 Bingham Street, Reading, PA 19602

Place of Accident, Incident or Transaction: All infringements occurred within this jurisdictional district

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

CIVIL: (Place check in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

Christopher P. Fiore, counsel of record do hereby certify:

- Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
Relief other than monetary damages is sought

DATE: 10/30/2014

Attorney signature

Attorney-at-Law

83018

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

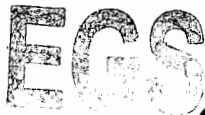
DATE: 10/30/2014

Attorney signature

Attorney-at-Law

83018

Attorney I.D.#



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

HAWK TECHNOLOGY SYSTEMS, LLC

v.

BERKS PACKING COMPANY, INC.,

AR

CIVIL ACTION

14 6237
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

10/27/2014
Date

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Attorney-at-law

(215) 256-9205

FAX Number

Plaintiff
Attorney for

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E-Mail Address

OCT 30 2014