

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HAWK TECHNOLOGY SYSTEMS, LLC,

Plaintiff,

v.

HILTON WORLDWIDE, INC.,

Defendant.

Case No. 4:15-cv-603

JURY

COMPLAINT

Hawk Technology Systems, LLC files this Complaint against Hilton Worldwide, Inc. for infringement of United States Patent No. RE43,462.

THE PARTIES

1. Plaintiff Hawk Technology Systems, LLC (“Hawk”) is a Florida Limited Liability Company with its principal place of business at 2 South Biscayne Blvd., Suite 3800, Miami, Florida 33131.

2. Defendant Hilton Worldwide, Inc. (“Defendant”) is a Delaware Corporation with a principal place of business 755 Crossover Lane, Memphis, Tennessee 38117, and multiple places of business across Texas including Hilton Americas-Houston at 1600 Lamar, Houston, Texas 77010. Defendant’s Registered Agent in the State of Texas is United States Corp. System, located at 211 E. 7th Street, Austin, Texas 78701.

3. Defendant’s iconic hotel and meeting center, the Hilton Americas – Houston, is located at 1600 Lamar, Houston, Texas 77010, in this District. On information and belief,

Defendant's use of the infringing technology takes place at the Hilton Americas – Houston, within this District.

NATURE OF THE ACTION

4. This is a civil action for infringement of United States Patent No. RE43,462 (the "Patent-in-Suit"), arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400(b) because Defendant has committed acts of infringement in the United States including use within this District. Thus, Defendant is deemed to reside in this District for purposes of this action.

7. This Court has personal jurisdiction over Defendant and venue is proper in this district because Defendant has committed, and continues to commit, acts of infringement in and directed toward the State of Texas, including in this district and has engaged in continuous and systematic activities in the State of Texas, including in this District.

THE PATENT-IN-SUIT

8. The Patent-in-Suit, U.S. Patent No. RE43,462, entitled "Video Monitoring and Conferencing System," was reissued on June 12, 2012; it is a reissue of United States Patent No. 5,625,410 (the '410 Patent), which was duly and legally issued by the United States Patent and Trademark Office on April 29, 1997. A copy of the Patent-in-Suit is attached hereto as Exhibit A. The independent claims in the reissued '462 Patent are substantially identical to the corresponding claims in the original '410 Patent.

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

10. The named inventors, Messrs. Ken Washino and Barry 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 is a named inventor on more than thirty patents, ranging from consumer products to secure network computing.

INFRINGEMENT OF THE PATENT-IN-SUIT

12. Hawk incorporates paragraphs 1 through 11 by reference as if fully stated herein.

13. The Patent-in-Suit is valid and enforceable.

14. Defendant has directly infringed, and continues to directly infringe, one or more claims of the Patent-in-Suit under 35 U.S.C. § 271(a), either literally and/or under the doctrine of equivalents, by making, using, selling, offering for sale, and/or importing products and/or methods embodying the patent and therefore encompassed by those claims.

15. Hawk has given Defendant notice of its infringement by virtue of service or acknowledged delivery of this complaint.

16. Defendant's use of the 3VR video surveillance system is an example of an infringing product and/or method.

17. Hawk has been and continues to be damaged by Defendant's infringement of the Patent-in-Suit.

18. Defendant's actions complained of herein are causing irreparable harm and damages to Hawk and will continue to do so unless and until Defendant is enjoined and restrained by the Court.

19. Defendant's conduct in infringing the Patent-in-Suit renders this case exceptional within the meaning of 35 U.S.C. § 285.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Hawk prays for judgment as follows:

- A. That Defendant has infringed one or more claims of the patent-in-suit;
- B. That Defendant account for and pay all damages necessary to adequately compensate Hawk for infringement of the patent-in-suit, such damages to be determined by a jury, and that such damages be awarded to Hawk with pre-judgment and post-judgment interest;
- D. That Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or actively participating with them, be permanently enjoined from directly or indirectly infringing the patent-in-suit; or, in the alternative, judgment that Defendant account for and pay to Hawk an ongoing post-judgment royalty reflecting Defendant's deliberate continuing infringement;
- E. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that Hawk be awarded the attorney fees, costs, and expenses that it incurs prosecuting this action; and
- F. That Hawk be awarded such other and further relief as this Court deems just and proper.

DATED: March 6, 2015

Respectfully submitted,

/s/ David A. Bailey

David A. Bailey
State Bar of Texas No. 24078177
LAW OFFICE OF DAVID BAILEY
811 S. Central Expressway, Suite 307
Richardson, Texas 75080
P: (972) 372-4235
F: (972) 372-0773
E: dbailey@lodb.net

ATTORNEY FOR PLAINTIFF