

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

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| |) | |
| ALEX IS THE BEST, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. _____ |
| |) | |
| TP-LINK USA CORP., TP-LINK |) | JURY TRIAL DEMANDED |
| RESEARCH AMERICA CORP., and TP- |) | |
| LINK RESEARCH INSTITUTE USA CORP., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Alex is the Best, LLC. (“AITB”), by and through its undersigned counsel, brings this action against TP-Link Technologies Co., Ltd., TP-Link USA Corporation, TP-Link Research America Corp. and TP-Link Research Institute USA Corp. (collectively, “TP-Link” and/or “Defendants”). In support of this Complaint, AITB alleges as follows:

NATURE OF THE SUIT

1. This is an action for patent infringement under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271.

THE PARTIES

2. Plaintiff AITB is a limited liability company organized under the laws of the state of New York with its principal place of business at 75 82nd St., Brooklyn, New York 11209.

3. On information and belief, TP-Link USA Corporation is a corporation organized and existing under the laws of the state of California, with its principal place of business at 975 Overland CT, San Dimas CA 91773. TP-Link USA Corporation can be served with process

through its agent Zheng Wu at the same address.

4. On information and belief, TP-Link Research America Corp. is a corporation organized and existing under the laws of the state of California, with its principal place of business at 224 Airport Parkway, Suite 620, San Jose CA 95110. TP-Link Research America Corp. can be served with process through its agent Mingyuan Li at that same address.

5. On information and belief, TP-Link Research Institute USA Corp. is a corporation organized and existing under the laws of the state of California, with its principal place of business at 224 Airport Parkway, Suite 620, San Jose CA 95110. TP-Link Research Institute USA Corp. can be served with process through its agent Feng Xu at that same address.

6. Defendants are in the business of making, using, selling, offering to sell and/or importing network-enabled image capturing devices.

JURISDICTION AND VENUE

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

8. This Court has personal jurisdiction over Defendants by virtue of their systematic and continuous contacts with this jurisdiction, as well as because of the injury to AITB and the cause of action AITB has raised, as alleged herein.

9. Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long-Arm Statute, due to at least their substantial business in this forum, including: (i) at least a portion of the infringement alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this

District.

10. Defendants have conducted and do conduct business within this District, directly or through intermediaries, resellers, agents, or offer to sell, sell, and/or advertise (including the use of interactive web pages with promotional material) products in this District that infringe the Asserted Patent.

11. In addition to Defendants continuously and systematically conducting business in this District, the causes of action against Defendants are connected (but not limited) to Defendants' purposeful acts committed in this District, including Defendants' making, using, importing, offering to sell, or selling products which include features that fall within the scope of at least one claim of United States Patent No. 8,947,542 (the "542 Patent") (the "Asserted Patent").

12. Venue lies in this District under 28 U.S.C. §§1391 and 1400(b) because, among other reasons, Defendants are subject to personal jurisdiction in this District, and have committed and continue to commit acts of patent infringement in this District. For example, Defendants have used, sold, offered to sell, and/or imported infringing products in this District.

JOINDER

13. Defendants are properly joined under 35 U.S.C. §299(a)(1) because a right to relief is asserted against the parties jointly, severally, and in the alternative with respect to the same transactions, occurrences, or series of transactions or occurrences relating to the making, using, importing into the United States, offering to sell, and/or selling the same accused products. Specifically, as alleged in detail below, Defendants are alleged to infringe the Asserted Patent with respect to the same systems.

14. Defendants are properly joined under 35 U.S.C. §299(a)(2). Questions of fact

will arise that are common to all defendants, including for example, whether Defendants' products have features that meet the features of one or more claims of the Asserted Patent, and what reasonable royalty will be adequate to compensate the owner of the Asserted Patent for their infringement.

15. Defendants use, make, sell, offer to sell and/or import image capturing devices that, when used, infringe on the Asserted Patent.

16. At least one right to relief is asserted against these parties jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences relating to the making, using, importing into the United States, offering to sell, or selling of the same accused product and/or process.

THE PATENT-IN-SUIT

17. There is one patent at issue in this action: the '542 Patent.

18. On February 3, 2015 the USPTO duly and legally issued the '542 Patent, entitled "Integrated internet camera system and method" after a full and fair examination to inventor Frank Clemente. AITB is presently the owner by assignment of the '542 Patent, having received all rights, title, and interest in and to the '542 Patent. AITB possesses all rights of recovery under the '542 Patent, including the exclusive right to recover for past infringement. A true and correct copy of the '542 Patent is attached to this Complaint as Exhibit A.

DESCRIPTION OF THE ACCUSED INSTRUMENTALITIES

19. Defendants' network-enabled image-capturing devices, including, but not limited to the TL-SC3130G Wireless 2-Way Audio Surveillance Camera (hereinafter, "Defendants' Image-capturing Devices") are able to capture audio and video images and transmit the captured audio and video images to other devices, including (without limitation) smartphones and tablets.

The TL-SC3130G Wireless 2-Way Audio Surveillance Camera is also able to receive audio from other devices.

20. Defendants' Image-capturing Devices are complemented with microprocessors used to transmit video images captured by the Image-capturing Devices to other devices. For example, the TL-SC3130G Wireless 2-Way Audio Surveillance Camera comes with a pre-installed RISC CPU processor used by the device for video management and transmittal.

21. Defendant's Image-capturing Devices connect to a communications network automatically on power-up using a one of at least two different modes of connection, such as (without limitation) Wi-Fi and Ethernet. When both Wi-Fi and Ethernet are available for Defendant's Image-capturing Devices, they will automatically connect to the Ethernet network. Defendant's Image-capturing Devices automatically switch to an available Wi-Fi connection when the Ethernet connection becomes unavailable.

COUNT I
(INFRINGEMENT OF THE '542 PATENT)

22. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-21.

23. In violation of 35 U.S.C. § 271, Defendants are now, and have been directly infringing the '542 Patent.

24. Defendants have had knowledge of infringement of the '542 Patent at least as of the service of the present complaint.

25. Defendants have directly infringed and continues to directly infringe at least claim 1 of the '542 Patent by making, using, importing, offering to sell, and/or selling Image-capturing Devices without authority in the United States, and will continue to do so unless

enjoined by this Court. As a direct and proximate result of Defendants' direct infringement of the '542 Patent, Plaintiff has been and continues to be damaged.

26. To the extent that facts learned in discovery show that Defendants' infringement of the '542 Patent is or has been willful, AITB reserves the right to request such a finding at the time of trial.

27. As a result of Defendants' infringement of the '542 Patent, AITB has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendants' past infringement, together with interests and costs.

DEMAND FOR JURY TRIAL

28. AITB demands a trial by jury as to all issues that are triable by a jury in this action.

PRAYER FOR RELIEF

WHEREFORE, AITB prays for the following relief:

A. That Defendants be adjudged to have infringed the Asserted Patent, directly, literally and/or under the doctrine of equivalents;

B. That Defendants, their officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently enjoined from infringing the Asserted Patent;

C. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate AITB for the Defendants' past infringement and any continuing or future infringement up until the date that Defendants are finally and permanently enjoined from further infringement, including compensatory damages;

D. An assessment of pre-judgment and post-judgment interest and costs against Defendants, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;and

E. That AITB have such other and further relief as this Court may deem just and proper.

March 10, 2015

BAYARD, P.A.

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