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Attorneys for Hawk Technology Systems, LLC

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HAWK TECHNOLOGY SYSTEMS, LLC, Plaintiff, v. CITY AND COUNTY OF SAN FRANCISCO, Defendant.	Case No: **COMPLAINT**

COMPLAINT

Plaintiff, Hawk Technology Systems, LLC ("Hawk"), hereby sues the City and County of San Francisco ("San Francisco") and alleges:

NATURE OF THE ACTION

1. San Francisco infringed Claim 12 ("Claim 12") of United States Patent No. RE43,462 ('462 Patent), or one or more of Claim 12's dependent claims. 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. San Francisco is a municipal corporation organized and existing under the laws of the state of California with its city hall located at 1 Dr. Carlton B. Goodlett Place, San Francisco, California 94102.

5. San Francisco's City Attorney is Dennis J. Herrera and its City Attorney's office address is 909 Lake Carolyn Pkwy, Suite 1450, Irving, Texas 75039.

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 San Francisco because San Francisco (a) operates, conducts, engages in and/or or carries on a business in the state of California; (b) committed tortious acts within the state of California; and (c) is engaging in substantial and not isolated activity within the state of California.

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

GENERAL ALLEGATIONS

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

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

11. 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.

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

13. 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.

14. 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”).

15. MFI obtained its rights, title, and interest in the ‘462 Patent by virtue of an assignment from Messrs. Washino and Schwab.

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).

17. Upon information and belief, San Francisco is the owner of Candlestick Park ("Candlestick Park"), previously located at 490 Jamestown Avenue, San Francisco, California 94124, and Candlestick Park was operated by the San Francisco Recreation and Parks Department.

18. By reviewing publically available information, including the article attached hereto as Exhibit A, Hawk learned that San Francisco infringed Claim 12 of the '462 Patent at least at Candlestick Park.

19. Hawk has prepared a claim chart which explains how each limitation reads onto the method claimed by Claim 12 of the '462 Patent, which claim was infringed by San Francisco.

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

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

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

23. For the avoidance of doubt, Hawk only seeks damages which are not barred by the statute of limitations for infringement that occurred prior to the patent expiring on April 29, 2014.

COUNT I: DIRECT INFRINGEMENT OF THE '462 PATENT

24. The allegations contained in paragraphs 1-23 above are hereby re-alleged as if fully set forth herein.

25. Without Hawk's authorization, San Francisco infringed Claim 12 of the '462 Patent or one or more of Claim 12's dependent claims.

26. Hawk has been damaged by San Francisco's infringement.

WHEREFORE, Hawk respectfully requests the Court:

A. Enter a judgment finding that the City and County of San Francisco has directly infringed Claim 12 of the '462 Patent or one of Claim 12's dependent claims.

B. Pursuant to 35 U.S.C. § 284, order the City and County of San Francisco to pay damages adequate to compensate for the infringement, but in no event less than a reasonable royalty, 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 Hawk 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.

Dated: July 9, 2015

Respectfully submitted,

By: /s/ *Deborah B. Baker-Egozi*

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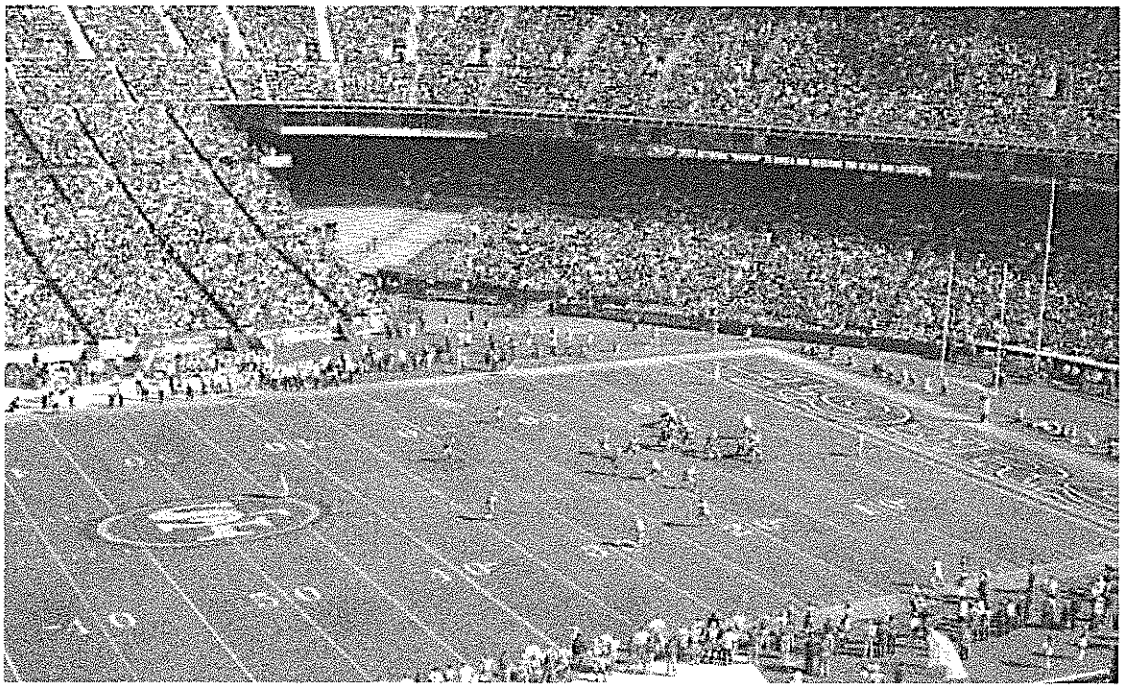
CASE STUDY

EXHIBIT "A"

After further review, IP video scores for the 49ers.

San Francisco 49ers upgrade analog cameras with Axis video encoders to tighten stadium security through live video and instant replay.



Organization:
San Francisco 49ers, Candlestick Park

Location:
San Francisco, California, USA

Industry segment:
Leisure

Application:
Stadium safety and security

Axis partners:
IPVision, OnSSI

Mission

When their DVRs started to drop the ball, the stadium operations team at Candlestick Park opted for a new game plan. With a network video solution in place, they felt they'd be more proactive tackling problems that often occur during the excitement of game day. They also expected that quicker access to specific archived video would give them the forensic evidence to forestall liability claims and expedite criminal investigations. These goals caused them to begin investigating ways to leverage their legacy analog surveillance equipment while migrating stadium surveillance into the digital age.

Solution

IPVision, an integrator of intelligent physical security solutions and Axis partner, mapped out a strategy for migrating to a more feature-rich, IP-based surveillance solution. To preserve the stadium's investment in analog cameras and ease the transition to IP video, IPVision network-enabled the analog cameras via Axis video encoders.

They sacked the unreliable DVRs and replaced them with robust Hitachi servers, and installed an intuitive OnSSI Ocularis Video Management Software (VMS) system to give security greater control over live video and instant replay.

Result

On game days, the 49ers' security staff and San Francisco Police Department survey stadium activity from a video wall in the Security Operations Center– keeping an eye on everything from parking lots and gate entrances to the bleachers and concession stands. With the map-driven interface, they've been able to locate and resolve problems quickly – apprehending seat jumpers, defusing fan confrontations, responding to medical emergencies and redirecting guest services staff to ensure a positive game day experience for all. On non-game days and in the off-season, City of San Francisco park rangers command a second Security Operations Center to monitor and protect property and visitors to the stadium grounds during special events.

AXIS COMMUNICATIONS

Building a winning game day strategy

Candlestick Park opened in 1960 as a baseball park. A decade later it was retrofitted to accommodate the National Football League, where it's been home to the San Francisco 49ers since 1971 with capacity crowds reaching nearly 70,000. In mid-2000, stadium operators installed an analog surveillance system to help security staff protect fans and players enjoying the game.

"Even though the analog system was only four or five years old, we were already having issues with retrieving stored data," says Jim Mercurio, vice president of stadium operations and security for the San Francisco 49ers. Because of heavy read/write cycles, the DVRs used for video storage were prone to failure. Another shortcoming was image quality. The stadium's layout put many analog cameras – the majority of which are pan/tilt/zoom cameras – quite a distance from the head end. With long cable runs to the data closets, video clarity tended to degrade.

"We monitor over 150 cameras at a time. We needed a better strategy for managing them," explains Mercurio. The security team was looking for a number of features that the legacy analog-based system couldn't deliver, such as motion sensor alerts, instant replay of events, clustering views from disparate cameras to quickly review an incident from multiple angles, and the potential to monitor video from wireless mobile devices.

Putting network surveillance into play

Instead of benching its legacy cameras, IPVision called for a conversion: connecting the analog cameras to Axis video encoders to digitize the video streams. In addition to network-enabling the cameras, IPVision replaced the proprietary DVRs with an open network video recording (NVR) solution from OnSSI utilizing robust Hitachi Data Systems servers.

The 1-channel AXIS Q7401, 4-channel AXIS Q7404, and 6-channel AXIS Q7406 Video Encoders proved a real surveillance game changer for the 49ers. They provided the ability to distribute the video encoding around the stadium and de-interlace the video to solve some of the video quality issues stemming from the long cable runs while boosting image quality throughout the stadium.

They also enabled a number of intelligent features – from motion detection to tampering alarms – that were previously lacking with the analog system. Designed to deliver full frame rate video across all channels, the Axis video encoders support highly-efficient H.264 compression to minimize bandwidth consumption and storage strain on the Hitachi/OnSSI system.

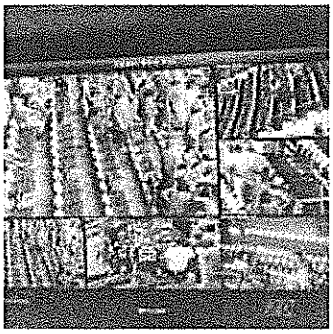
"The old legacy analog system was purely a video recording solution," shares Ben Green from IPVision. "Incident resolution often relied on he-said, she-said word-of-mouth from the fans. In migrating to this IP-based system, stadium security acquired a whole new set of tools for smarter live monitoring and faster forensic searches of the video archives."

After further review, instant replay is a winner

IPVision used a map interface in the OnSSI VMS system to make it easier for security to monitor hot spots at Candlestick.

"On game day, there's a lot of motion throughout the stadium. But if you want to focus on a particular area, you can now dynamically create a camera view on the fly for all the cameras covering that section of the stadium," explains Ben Green.

"What's especially convenient is once you select a set of cameras to view, you can simultaneously playback and/or review video from those cameras while continuing to monitor those same cameras in real-time," continues Green. In the analog system, security had to select each camera individually and manually isolate the time when the incident occurred, and didn't have the ability to continue to monitor the camera in question in real-time while reviewing video archives.



"Network-enabling our cameras with Axis video encoders and migrating to the OnSSI VMS has made it possible to coordinate our security and operations activity across the board so we can provide the best possible game day experience for our fans, our players and our staff."

Jim Mercurio, vice president of stadium operations and security for the San Francisco 49ers.

With the new network system, security operators can also bookmark video on the fly for later review. "This is a great feature," says the 49ers Jim Mercurio. "Because with all the cameras streaming video at once, something might catch your eye but your attention is being divided by all the other activity going on. If you bookmark the video, you can instantly replay the event from multiple angles just like they do during game broadcasts, or save it for after the game."

If the video does catch an incident, control room staff can hit an instant replay button and email a still image or video clip of the perpetrator to security staff patrolling the grounds.

Scoring big with fans

The 49ers strive to make the game day experience as positive as possible for everyone. "This network upgrade gives us amazing flexibility, not just in reactively investigating an incident but proactively spotting situations," claims Mercurio. "We can scan an area of the stadium from multiple camera angles and dispatch the appropriate resources immediately."

Mercurio's team uses the network-enabled cameras to manage the entire spectrum of stadium operations – from sending extra staff to alleviate bottlenecks at stadium gates to directing ushers to eject rowdy fans before anyone gets hurt.

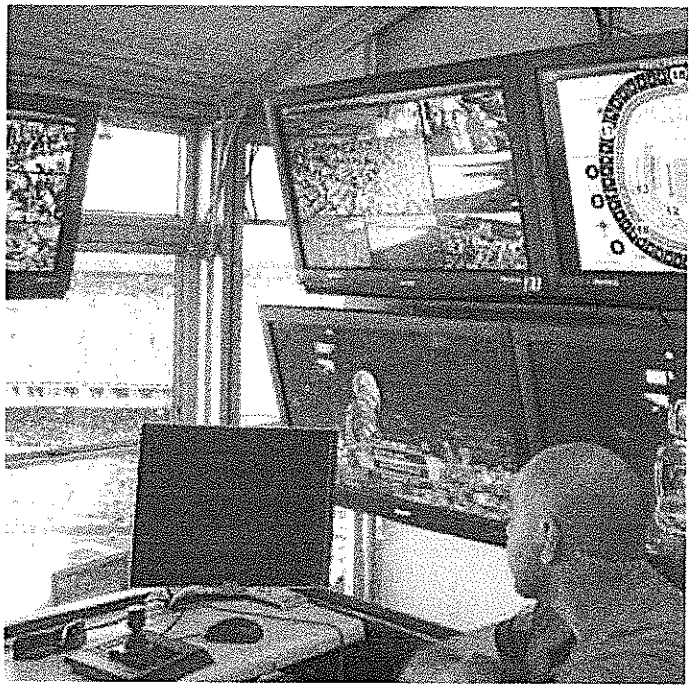
They also use the cameras in concert with the text messaging and security complaint hotline system provided to fans. If a fan reports that someone is out of hand, 49ers staff can instantly replay video to identify the incident, and then use live video to direct stadium security to the unruly fan.

"Network-enabling our camera system has made it possible to coordinate our security and operations activity across the board," states Mercurio. "Whether it's handling a safety hazard, a crowd control problem or other issues, we now have some great tools in place to help us create the best possible game day experience for our fans, players and staff."

CANDLESTICK

IPVISION

OnSSI
IP To The Core



"What's especially convenient is once you select a set of cameras to view, you can simultaneously playback and/or review video from those cameras while continuing to monitor those same cameras in real-time. This way is extremely more user-friendly, efficient and effective than the analog system, which was a very manual process that would lose ability to view in real-time during video archive review."

Ben Green, IPVision.

www.axis.com

48061/EN/R1/1206

About Axis Communications

As the market leader in network video, Axis is leading the way to a smarter, safer, more secure world – driving the shift from analog to digital video surveillance. Our network video solutions for professional installations. Axis' products and solutions are based on an innovative, open technology platform.

Axis has more than 1,000 dedicated employees in 40 locations around the world and cooperates with partners covering 179 countries. Founded in 1984, Axis is a Sweden-based IT company listed on NASDAQ OMX Stockholm under the ticker AXIS. For more information about Axis, please visit our website www.axis.com.

AXIS COMMUNICATIONS