

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. Ranch is a corporation organized and existing under the laws of the state of Tennessee with its principal place of business at 6107 Pinewood Road, Nunnely, Tennessee 37137; and may be served with process by and through its Registered Agent, Corporation Service Company, 2908 Poston Ave., Nashville, Tennessee 37203.

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

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 12 Of The '462 Patent

15. 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).

16. Ranch operates a treatment and rehab center at 6107 Pinewood Road, Nunnely, Tennessee 37137 (the “Center”).

17. By reviewing publically available information, including the article attached hereto as Exhibit “A,” Hawk learned that Ranch infringed Claim 12 of the ‘462 Patent at least at the Center.

18. 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 Ranch.

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.

22. 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

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

24. Without Hawk’s authorization, Ranch used a video storage and display system and/or methods that infringed one or more of the claims in the ‘462 Patent.

25. Hawk has been damaged by Ranch’s infringement.

WHEREFORE, Hawk respectfully requests the Court:

A. Enter a judgment finding that The Ranch on the Piney River, Inc. has directly infringed the ‘462 Patent.

B. Pursuant to 35 U.S.C. § 284, order The Ranch on the Piney River, 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, this the 16th day of December, 2015.

s/Frank J. Dantone

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