

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTRY SYSTEMS, LLC,

Plaintiff,

v.

BRIVO INC.,

Defendant.

CIVIL ACTION NO. 2:16-cv-88

JURY TRIAL DEMANDED

PLAINTIFF'S FIRST AMENDED COMPLAINT

Plaintiff Entry Systems, LLC (“Plaintiff” or “Entry”), by and through its undersigned counsel, files this First Amended Complaint against Defendant Brivo Inc. (“Brivo”) as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant’s infringement of United States Patent No. 6,161,005 (“the ‘005 patent”) entitled “Door Locking/Unlocking System Utilizing Direct and Network Communications”. A true and correct copy of the ‘005 patent is attached hereto as Exhibit A. Plaintiff is the owner by assignment of the ‘005 patent. Plaintiff seeks monetary damages and injunctive relief.

PARTIES

1. Plaintiff is a limited liability company having a principal place of business of 8745 Gary Burns Drive, Suite 160-202, Frisco, Texas 75034-2540.

2. Upon information and belief, Brivo is a corporation organized and existing under the laws of the State of Nevada with its principal place of business at 7700 Old Georgetown Road, Suite 300, Bethesda, Maryland 20814. Defendant can be served with process at 7700 Old Georgetown Road, Suite 300, Bethesda, Maryland 20814.

JURISDICTION AND VENUE

3. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285.

4. This Court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

5. The Court has personal jurisdiction over Defendant because: Defendant is present within or has minimum contacts within the State of Texas and the Eastern District of Texas; Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in the Eastern District of Texas; Defendant has sought protection and benefit from the laws of the State of Texas; Defendant regularly conducts business within the State of Texas and within the Eastern District of Texas; and Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in the Eastern District of Texas.

6. More specifically, Defendant, directly and/or through intermediaries, ships, distributes, uses, offers for sale, sells, and/or advertises products and services in the United States, the State of Texas, and the Eastern District of Texas including but not limited to the Accused Instrumentalities as detailed below. Upon information and belief, Defendant has committed patent infringement in the State of Texas and in the Eastern District of Texas. Defendant solicits and has solicited customers in the State of Texas and in the Eastern District of Texas. Defendant has paying customers who are residents of the State of Texas and the Eastern District of Texas and who each use and have used the Defendants' products and services in the State of Texas and in the Eastern District of Texas.

7. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §§ 1391 and 1400(b). On information and belief, Defendant has transacted business in this district, and has directly committed acts of patent infringement in this district.

COUNT I – PATENT INFRINGEMENT

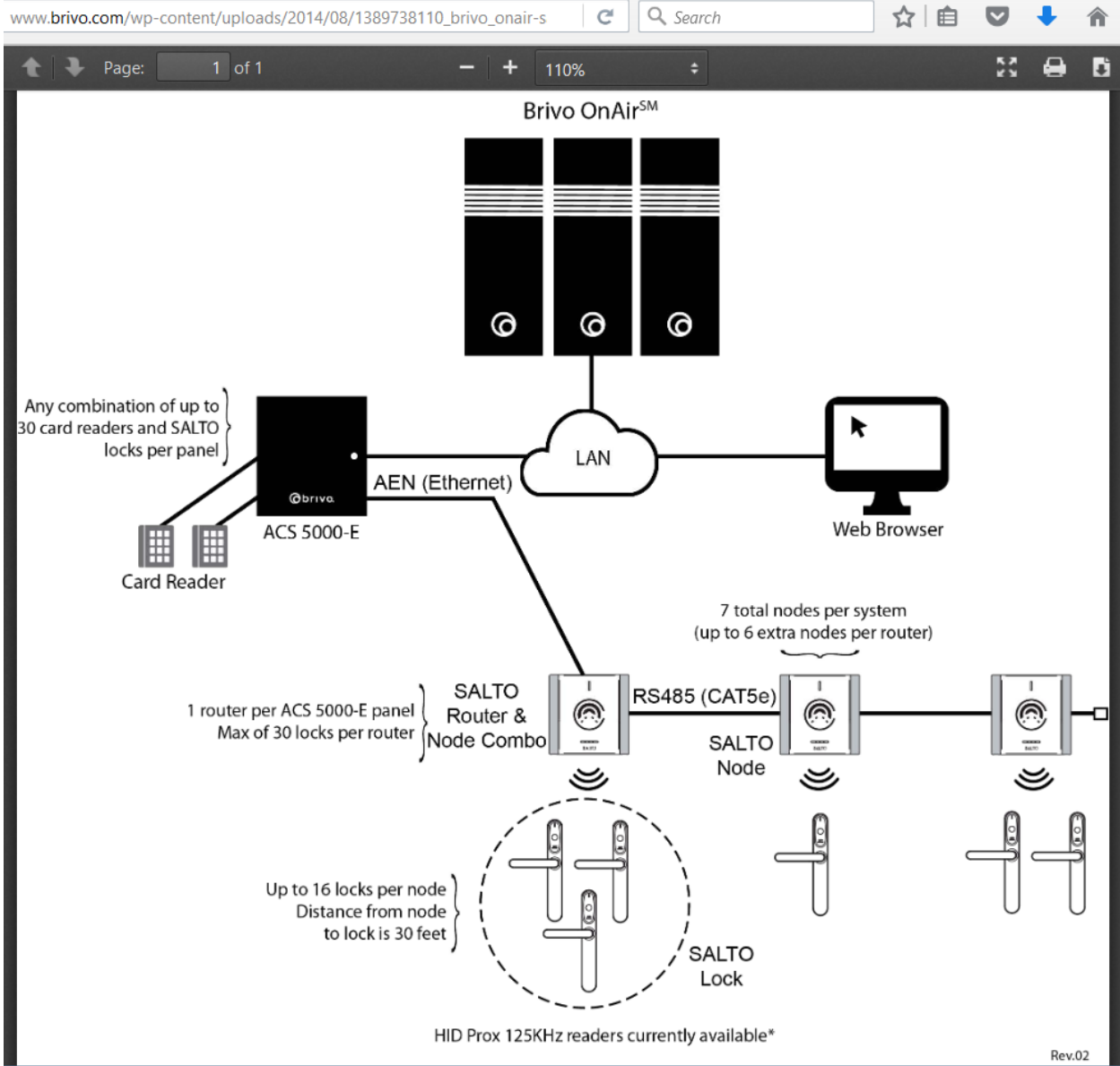
8. Plaintiff refers to and incorporates herein the allegations of Paragraphs 1-8 above.

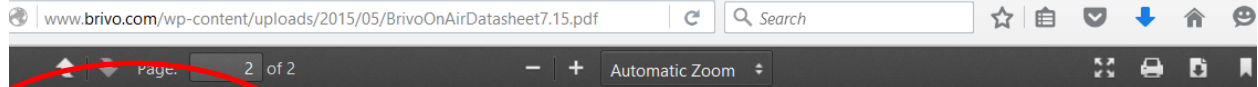
9. The '005 patent was duly and legally issued by the United States Patent and Trademark Office on December 12, 2000 after full and fair examination. Plaintiff is the owner by assignment of the '005 patent and possesses all rights of recovery under the '005 patent, including the exclusive right to sue for infringement and recover past damages and obtain injunctive relief.

10. Defendant owns, uses, operates, advertises, controls, sells, and otherwise provides apparatuses and/or systems that infringe the '005 patent. The '005 patent provides, among other things, “A locking/unlocking arrangement for a door, comprising: (1) a controller; (2) an electrically actuated mechanism for locking or unlocking a door in response to an electrical signal from the controller; (3) telephone signal receiving circuitry connected to the controller and arranged to receive and decode telephone signals that have been transmitted over a telephone network; (4) a sensor arranged to receive wireless signals directly from a portable transmitter; (5) non-telephone wireless signal receiving circuitry connected between the sensor and the controller and arranged to transmit said wireless signals to the controller; (6) wherein said controller is arranged to receive said decoded telephone signals from said telephone signal receiving and decoding circuit and said wireless signals from said non-telephone wireless signal receiving circuitry and, depending on whether the controller has received said decoded telephone signals or said wireless signals, compare either the decoded telephone signals or wireless signals with codes stored in a memory, and actuate the locking/unlocking mechanism in response to said comparison;

(7) wherein said controller is situated in a removable door panel arranged to be mounted in the door whose locking mechanism is to be remotely controlled, and (8) whereby inclusion of a sensor and non-telephone wireless signal receiving circuitry in addition to said telephone signal receiving and decoding circuitry permits the locking/unlocking mechanism to be actuated by signals transmitted directly from said portable transmitter to said controller, and also by telephone signals sent over said telephone network.”

11. Defendant has been and is now infringing the '005 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, testing, providing, supplying, distributing, selling, and/or offering for sale apparatuses and systems (including, without limitation, the Brivo security products and solutions and Brivo OnAir Mobile App, Smart Door Lock, Controller, Server, and Proximity Sensors/Cards/Fobs identified herein as the “Accused Instrumentality) that provide a locking and unlocking arrangement for a door, including a controller, an electronically actuated mechanism for locking and unlocking the door, a telephone signal receiving circuitry, a sensor to receive wireless signals, non-telephone wireless signal receiving circuitry, covered by one or more claims of the '005 Patent to the injury of Entry. Defendant is directly infringing, literally infringing, and/or infringing the '005 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '005 Patent pursuant to 35 U.S.C. § 271.





Supported Readers

Visit brivo.com/readers for more information

Supported Control Panels

ACS5000-E Series
IPDC-E
Cellular Network Router

Browser Requirements

Latest versions typically supported. For the most current information, visit: brivo.com/supportedbrowsers

Communication Security

Authentication and Encryption: X.509
Certificates Communication: 128-bit SSL

Network Requirements

TCP/IP protocols: HTTPS (port 443)

Contact your Authorized Brivo Dealer for more information, or Brivo Sales Services for a demo:

888.692.7486 or sales@brivo.com

CAPACITIES

Active card holders	Unlimited
Max # of system-wide readers/accounts/workstations	Unlimited
Max # of custom fields	60
Firmware upgrades	Automated
Text message and email notifications	Configurable by site
Stored access events	Unlimited
Elevator control	Unlimited
Lockdown	By doors or user groups
Badge design and printing	Included
Anti-passback	Yes, several configuration options
Online video recorder (OVR)	Up to 1 year, unlimited cameras
DVR / NVR integration	Yes

GO MOBILE WITH BRIVO ONAIR

Manage building security on-the-go. Brivo OnAir for iOS and Android seamlessly extends our access control and video surveillance platform to a smartphone, integrating door control, credential management and live video on an intuitive and easy to use application.

Use Brivo OnAir to:

- View live video
- Review events with recorded video
- Monitor activity logs of multiple sites
- **Unlock doors remotely**
- Suspend or reinstate user credentials

Brivo OnAir for iOS and Android is available now on the App store and Google play.



Go Mobile with Brivo OnAir

Manage building security on-the-go. Brivo OnAir for iOS and Android seamlessly extends our access control and video surveillance platform to a smartphone, integrating door control, credential management and live and recorded video to an intuitive and easy to use application. [Learn more.](#)



Use Brivo OnAir to:

- View live video
- Review events with recorded video
- Monitor activity logs of multiple sites
- **Unlock doors remotely**
- Suspend or reinstate user credentials

Requirements:

Brivo OnAir for iOS and Android requires a subscription to Brivo's cloud-based Brivo OnAir access control and video solution.

Capacities

Active card holders	Unlimited
Max # of system-wide readers/accounts /workstations	Unlimited

<http://www.brivo.com/products/brivo-onair/>

Brivo ACS-IPDC (IP Door Controller)

Capable of managing up to two doors independently of a host, the Brivo ACS-IPDC provides a product line of intelligent edge controllers.

These controllers are powerful devices capable of monitoring access control decisions, registering events and managing a card bank without any connection to a host. These panels communicate upstream over TCP/IP protocol and support PoE, thereby minimizing costs and the amount of wiring needed for installation.

Brivo ACS-IPDCs are offered in two sizes, as single and two door controllers, and on two platforms, Brivo OnAir® and Brivo OnSite Server. These controllers have different capabilities depending on their application. The key differences between the products are in their authentication/encryption methods and in their local card capacities.

On-site flexibility perfect for small systems

Product Resources

- Brivo ACS-IPDC Datasheet PDF | 323 kB
- Brivo ACS-IPDC Quick Install Guide PDF | 245 kB

Customer Testimonial

Darla Astrop
VFI Administrator

Source: <http://www.brivo.com/products/ipdc/>

3rd Party Partners

Brivo works with a variety of 3rd party vendors to ensure customers have the latest advances in technology for access control and video surveillance at their fingertips.

Video

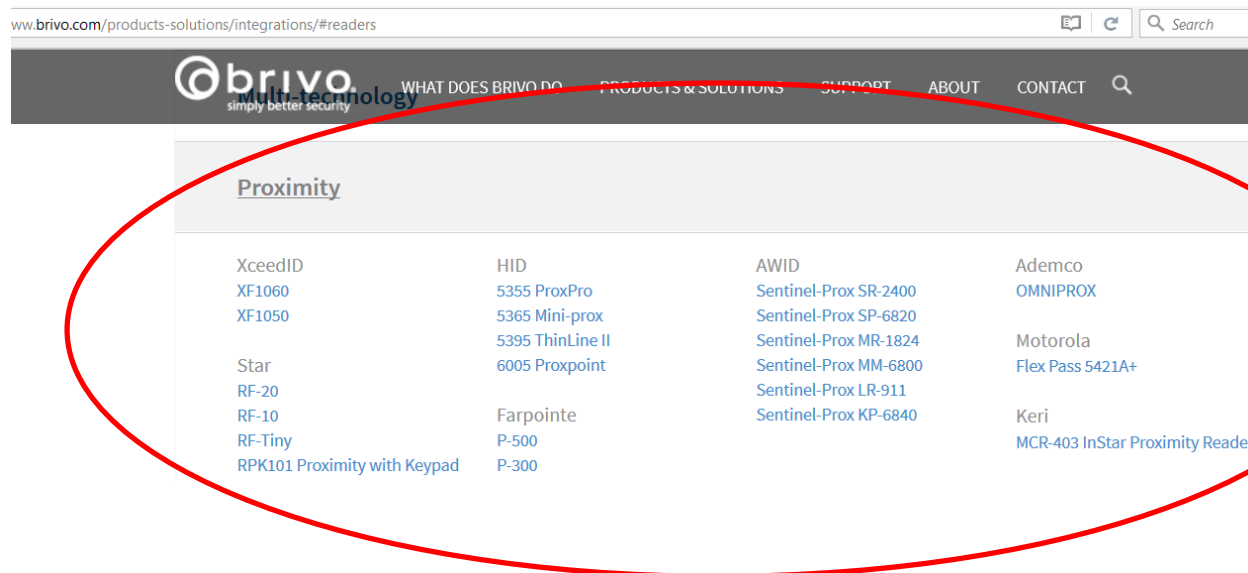
Door Hardware

Wireless Locks

- Salto XS4 SALLIS Escutcheon
- Schlage AD-400

Readers

Source: <http://www.brivo.com/products-solutions/integrations/>



12. Defendant also infringes under 35 U.S.C. § 271(b) by inducing infringement of the '005 patent in the State of Texas, literally or under the doctrine of equivalents, in this judicial district, and elsewhere in the United States, by, among other things, advising, encouraging, or otherwise inducing others to perform the steps and/or operate the systems and/or apparatus claimed by the '005 patent to the injury of Plaintiff. Defendant actively instructs their customers to use the Accused Instrumentality in a way that infringes the '005 patent. Since at least the filing date of the Original Complaint on January 27, 2016, Defendant has had knowledge of the '005 patent, and by continuing the actions described herein, has had specific intent to induce infringement of the '005 patent pursuant to 35 U.S.C. § 271(b).

13. Specifically, Defendant advertises the Accused Instrumentality to its Customers, and instructs its Customers to operate the Accused Instrumentality in a way that infringes, such that when Defendant's Customers follow Defendant's instructions, the '005 patent is infringed.

14. Since at least the filing date of the Original Complaint, Defendant has had knowledge of the '005 patent pursuant to 35 U.S.C. § 271(c), and by continuing the actions

described above, by continuing to sell the Accused Instrumentality and instruct their customers to use the Accused Instrumentality in an infringing manner, Defendant has had specific intent to induce infringement of the '005 patent pursuant to 35 U.S.C. § 271(b).

15. Defendant's customers use the Accused Instrumentality as instructed by Defendant and in doing so, complete all elements in at least Claim 1 and 18 of the '005 patent making Defendant's customers direct infringers of the '005 patent. Defendant specifically intended for its customers to infringe the '005 patent because Defendant continues to advertise and provide to its customers manuals and product information on their website that when followed necessarily infringe the '005 patent.

16. Defendant instructs its Customers, such that when Defendant's customers follow Defendant's instructions, each of said Customers necessarily use the Accused Instrumentality in an infringing manner as claimed in the '005 patent making Defendant's customers direct infringers of the '005 patent.

17. Defendant also infringes under 35 U.S.C. § 271(c) by contributing to infringement of the '005 patent in the State of Texas, literally or under the doctrine of equivalents, in this judicial district, and elsewhere in the United States, by, among other things, offering for sale, selling, or importing the Accused Instrumentality, and advising, encouraging, and contributing so that others can use the systems claimed by the '005 patent to the injury of Plaintiff.

18. Specifically, Pursuant to 35 U.S.C. § 271(c), Defendant advertises, sells, and provides the Accused Instrumentality to its Customers, and instructs its Customers, such that when Defendant's customers follow Defendant's instructions, each of said Customers necessarily infringe one or more systems claimed in the '005 patent making Defendants customers direct infringers of the '005 patent.

19. The Accused Instrumentalities which are provided by Defendant to its customers, are designed specifically for use by their customers in an infringing manner as claimed in the '005 patent. If the functionality that is embodied in the '005 patent was not present in the Accused Instrumentalities sold by Defendant then these said devices would not work properly for their stated purposes by Defendant in its literature about its products i.e. locks, key fobs and sensors, controller etc. when used together for Defendant's stated purpose.

20. There is no substantial non-infringing use for the Accused Instrumentalities because if the devices were used in a non-infringing manner then they would not work for their stated purpose i.e. the purpose as described by Defendant, effectively making them worthless.

21. Defendant continues advising, encouraging, contributing, or otherwise inducing others to use the systems claimed by the '005 patent to the injury of Plaintiff. Since at least the filing date of the Original Complaint on January 27, 2016, Defendant has had knowledge of the '005 patent, and by continuing the actions described above, has had specific intent to induce infringement of the '005 patent pursuant to 35 U.S.C. § 271(b), and has further contributed to said infringement of the '005 patent by their customers by providing them with the Accused Instrumentalities so that their customers could infringe the '005 patent.

22. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

23. To the extent any marking was required by 35 U.S.C. § 287, Plaintiff, all predecessors in interest to the '005 patent complied with all marking requirements under 35 U.S.C. § 287.

24. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which, by law,

cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against the Defendant, and that the Court grant Plaintiff the following relief:

- A. A judgment in favor of Plaintiff that Defendant has infringed one or more of the claims, directly, jointly, and/or indirectly the '005 patent;
- B. A permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendant and their officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '005 patent, or such other equitable relief the Court determines is warranted;
- C. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of direct and/or indirect infringement together with pre-judgment and post-judgment interest;
- D. That, should Defendant's acts of infringement be found to be willful from the time that Defendant became aware of the infringing nature of their actions, which is the time of filing of Plaintiff's Original Complaint at the latest, that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- E. That this Court declare this to be an exceptional case and award Plaintiff its

reasonable attorneys' fees and costs in accordance with 35 U.S.C. §285; and

F. Any further relief that this Court deems just and proper.

Dated: April 4, 2016

Respectfully submitted,

By: /s/ Austin Hansley

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ATTORNEY FOR PLAINTIFF

ENTRY SYSTEMS LLC

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2016, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. Counsel for Plaintiff has been in contact with Counsel for Defendant whom was served with this First Amended Complaint via email.

/s/ Austin Hansley

Austin Hansley