

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

**ENVIRONMENT SENSOR SYSTEMS  
LLC**, a Texas Limited Liability Company,

Plaintiff,

v.

**HUNTER INDUSTRIES, INC.**, a Delaware Corporation; **SITEONE LANDSCAPE  
SUPPLY, LLC**, a Delaware Limited Liability Company; and **JOHN DOES 1 - 10**,

Defendants

Civil Action No. \_\_\_\_\_

**(JURY TRIAL DEMANDED)**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Environment Sensor Systems LLC (“*Plaintiff*”) by and through its attorneys, makes and files this Complaint against Defendant Hunter Industries, Inc., SiteOne Landscape Supply, LLC, and John Does 1-10. In support of this Complaint, Plaintiff alleges and complains as follows:

**PARTIES**

1. Plaintiff is a Texas Limited Liability Company.
2. Hunter Industries, Inc. (“Hunter”) is a Delaware Corporation with its principal place of business at 1940 Diamond Street, San Marcos, CA 92078.
3. Hunter is registered to do business in the State of Texas. Its registered agent in Texas is CT Corporation, 1999 Bryan St. Ste. 900, Dallas, TX 75201-3136.

4. SiteOne Landscape Supply, LLC (“SiteOne”) is a Delaware limited liability company with at least with at least two locations in the Eastern District of Texas, and many more in other parts of Texas.

5. SiteOne is registered to do business in the State of Texas. Its registered agent in Texas is CT Corporation, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136.

6. John Does 1 - 10, represent entities which may be identified through the course and scope of discovery.

### **JURISDICTION AND VENUE**

7. Hunter sells, offers to sell, and markets the Solar Sync sensor through multiple brick-and-mortar retailers in Texas and specifically in the Eastern District of Texas. Exemplary locations include SiteOne Landscape Supply, 5360 Washington Blvd, Beaumont, TX 77707; and SiteOne Landscape Supply, 1913 Deerbrook Dr. Tyler, TX 75703.

8. Upon information and belief, individuals located in the Eastern District of Texas have purchased Hunter’s Solar Sync sensor through at least these brick-and-mortar retailers, as well as through websites.

9. Upon information and belief, SiteOne Landscape Supply sells or has sold infringing Hunter products, including at least the Hunter Solar Sync sensor, in at least the following locations: 5360 Washington Blvd, Beaumont, TX 77707; and 1913 Deerbrook Dr. Tyler, TX 75703.

10. Hunter also sells, offers to sell, and markets infringing products, including at least the Solar Sync sensor through interactive websites that are available in the Eastern District of Texas. Exemplary websites include, but are not limited to, <http://www.hunterindustries.com/irrigation->

product/sensors/solar-syncr; <http://www.hunterindustries.com/get-hunter>;  
<http://www.sprinklerwarehouse.com>;<sup>1</sup> <http://www.wholesalepumpsdirect.com><sup>2</sup>; and  
<http://www.amazon.com>.<sup>3</sup>

11. On information and belief, Hunter imports, offers to sell, sells, and otherwise distributes infringing products, including at least the Solar Sync sensor, into the stream of commerce with intent that these products be sold, offered for sale, purchased, and used in the Eastern District of Texas, through both brick-and-mortar and Internet retail outlets, e.g., through the outlets identified above.

12. By placing infringing products, including at least the Solar Sync sensor, into the stream of commerce with the intent that they be sold, offered for sale, purchased, and used, Hunter has transacted and continues to transact business in Texas.

13. Hunter has committed and/or induced acts of patent infringement in Texas, including in the Eastern District of Texas, and/or has placed its infringing products into the stream of commerce through established distribution channels with the expectation that such products will be purchased and used by Texas residents, including residents of the Eastern District of Texas.

14. Hunter has purposefully availed itself of the privileges and benefits of the laws of Texas and is therefore subject to the jurisdiction of this Court.

15. This Court has subject matter jurisdiction to hear the patent infringement claims under 28 U.S.C. § 1331.

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<sup>1</sup> [http://www.sprinklerwarehouse.com/Hunter-Sprinkler-Irrigation-Sensors-p/WSS.htm?gclid=CPHDwdq5\\_8oCFQKTaQod7fAGuA](http://www.sprinklerwarehouse.com/Hunter-Sprinkler-Irrigation-Sensors-p/WSS.htm?gclid=CPHDwdq5_8oCFQKTaQod7fAGuA)

<sup>2</sup> [http://www.wholesalepumpsdirect.com/store/p/1148-Hunter-Solar-Sync-Solar-Sync.html?feed=Froogle&gclid=CJSR8aC6\\_8oCFQkyaQodGrEBfA](http://www.wholesalepumpsdirect.com/store/p/1148-Hunter-Solar-Sync-Solar-Sync.html?feed=Froogle&gclid=CJSR8aC6_8oCFQkyaQodGrEBfA)

<sup>3</sup> [http://www.amazon.com/s/ref=nb\\_sb\\_noss\\_2?url=search-alias%3Daps&field-keywords=solar+sync](http://www.amazon.com/s/ref=nb_sb_noss_2?url=search-alias%3Daps&field-keywords=solar+sync)

16. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because, as described above, Defendants Hunter and SiteOne have infringed and continue to infringe Plaintiff's patent rights within the Eastern District of Texas, and this action arises out of transactions of that business and infringement.

**GENERAL ALLEGATIONS**

17. Plaintiff owns U.S. Patent No. 7,231,298 ("*the '298 Patent*"), titled "Environment Detection System." A copy of the '298 Patent is attached as Exhibit A.

18. The application that eventually issued as the '298 Patent was filed on Jan. 22, 2004.

19. The '298 Patent issued on June 12, 2007.

20. Plaintiff is the owner, by assignment, of the '298 Patent, including all rights to sue for patent infringement.

21. As the owner of the '298 Patent, Plaintiff has standing to sue and recover for all past, present, and future damages for infringement of the '298 Patent.

22. The '298 Patent is directed to an environment detection device for detecting a plurality of environmental conditions, such as light, moisture and/or temperature.

**CLAIM 1**  
**(PATENT INFRINGEMENT—AGAINST ALL DEFENDENTS)**

23. Plaintiff realleges and incorporates by reference, as if fully set forth herein, the preceding paragraphs.

24. Plaintiff has complied with 35 U.S.C. § 287.

25. Defendants, either alone or in conjunction with others, have infringed the '298 Patent by making, using, selling, offering to sell, and/or importing methods, systems, and/or apparatus

(“*Infringing Products*”) covered by the claims of the ’298 Patent; and/or have contributed to infringement; and/or have induced others to commit infringing acts.

26. The Infringing Products include, but are not limited to, infringement of Claim 15 by Hunter Solar Sync and ET System, and may include other products identified through discovery.

27. Defendants have further infringed, and continue to so infringe, by knowingly inducing purchasers and users of the Infringing Products to directly infringe the ’298 Patent.

28. Defendants have further infringed, and continue to so infringe, by knowingly providing to its end users Infringing Products which are especially made or especially adapted for infringement under the ’298 Patent, which are a material part of the infringement, and for which there are no substantial non-infringing uses.

29. Defendants’ infringing activities have injured and will continue to injure Plaintiff unless and until this Court enters an injunction prohibiting further infringement of the ’298 Patent.

30. Defendants’ infringing activities have damaged Plaintiff, which is entitled to recover from Defendants damages in an amount subject to proof at trial, but in no event less than a reasonable royalty.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests appropriate and just judgment against Defendants, including without limitation:

- I. An entry of final judgment in favor of Plaintiff against Defendants;
- II. An award of damages against Defendants adequate to compensate Plaintiff for the patent infringement that has occurred, but in no event less than a reasonable royalty

- under 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;
- III. An injunction permanently prohibiting Defendants from further infringement of the '298 Patent;
  - IV. Treble damages against Defendants under 35 U.S.C. § 284 in view of the knowing, willful, and intentional nature of Defendants' patent infringing acts;
  - V. An award to Plaintiff of its costs and expenses of this litigation, including its reasonable attorneys' fees and disbursements, under 35 U.S.C. § 285;
  - VI. Such other further relief to which Plaintiff is entitled, and any other further relief that this Court or a jury may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury on all claims and issues so triable.

Respectfully Submitted,

Dated: May 5, 2016

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