
**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.

SOIL IQ, INC., d/b/a Edyn, a Delaware
Corporation; **THE HOME DEPOT, INC.**, a
Delaware Corporation; and JOHN DOES 1 -
10,

Defendants

Civil Action No. 2:16-cv-848

(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 Soil IQ, Inc., The Home Depot, Inc., 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. Soil IQ, Inc. (“Soil IQ”), d/b/a Edyn, is a Delaware Corporation with its principal place of business at 405 15th Street, Oakland, CA 94612.
3. Soil IQ can be served with process through its registered agent: Jason Lee Aramburu at 405 15th Street, Oakland, CA 94612.
4. The Home Depot, Inc. (“Home Depot”) is a Delaware corporation with at least three locations in the Eastern District of Texas, and many more in other parts of Texas.

5. Home Depot is registered to do business in the State of Texas. Home Depot can be served with process at its principal place of business 2727 Paces Ferry Road Atlanta, GA 30339.

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

JURISDICTION AND VENUE

7. Soil IQ sells, offers to sell, and markets the Edyn Garden Sensor through multiple brick-and-mortar retailers in Texas and specifically in the Eastern District of Texas. Exemplary locations include The Home Depot, 411 East Loop 281 Longview, TX 75605; The Home Depot, 2530 South Jefferson Avenue Mount Pleasant, TX 75455; and The Home Depot, 3901 Old Jacksonville Hwy. Tyler, TX 75701.

8. Upon information and belief, individuals located in the Eastern District of Texas have purchased Soil IQ's Edyn Garden Sensor through at least these brick-and-mortar retailers, as well as through interactive websites.

9. Upon information and belief, Home Depot sells or has sold infringing Soil IQ products, including at least the Edyn Garden Sensor, in at least the following locations: 411 E Loop 281 Longview, TX 75605; 3120 NE Loop 286 Paris, TX 75460; and 3901 Old Jacksonville Hwy. Tyler, TX 75701.

10. Soil IQ also sells, offers to sell, and markets infringing products, including at least the Edyn Garden Sensor through interactive websites that are available in the Eastern District of

Texas. Exemplary websites include, but are not limited to, <http://www.edyn.com>;

<http://www.edyn.com/order>; <http://www.thehomedepot.com>;¹ and <http://www.amazon.com>.²

11. On information and belief, Soil IQ imports, offers to sell, sells, and otherwise distributes infringing products, including at least the Edyn Garden 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 Edyn Garden Sensor, into the stream of commerce with the intent that they be sold, offered for sale, purchased, and used, Soil IQ has transacted and continues to transact business in Texas.

13. Soil IQ 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. Soil IQ 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.

¹ <http://www.homedepot.com/p/Edyn-Garden-Sensor-EDYN-001/205833447>

² https://www.amazon.com/Edyn-EDYN-001-Garden-Sensor/dp/B01FQEMGJM/ref=sr_1_1?ie=UTF8&qid=1469112399&sr=8-1&keywords=edyn+garden+sensor

16. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because, as described above, Defendants Soil IQ and Home Depot 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, all other paragraphs herein.

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 Claims 1, 2, 7, 9, 10, 11, 15, 17, 18, and 19 by the Edyn Garden Sensor and the Edyn Garden Valve, and may include other products and claims of infringement of the ’298 Patent identified through discovery.

27. As against the ’298 Patent, the Infringing Products satisfy each and every element of the ’298 Patent’s apparatus of claim 1:

- a. Soil IQ produces the Edyn Garden Sensor, which comprises an apparatus for detecting a plurality of environmental conditions.
<https://www.edyn.com>
- b. The Edyn Garden Sensor comprises a housing unit containing a light sensor.
- c. The Edyn Garden Sensor includes a memory storage device disposed in said housing unit.
- d. The Edyn Garden Sensor includes a circuit board electrically connected to said light sensor and the memory storage device, and contained within the housing unit, said memory storage device storing data from said light sensor.
- e. The Edyn Garden Sensor comprises at least one moisture probe physically connected to the housing unit, and electrically connected to the circuit board.

28. Plaintiff realleges and incorporates by reference the alleged infringement of the '298 Patent claim 1 above, and the Infringing Products satisfy each and every element of the '298 Patent's apparatus of claim 2:

- a. The Edyn Garden Sensor comprises the apparatus of claim 1, re-alleging and incorporating by reference the criteria of the '298 Patent claim 1, wherein said housing unit contains a temperature sensor.

29. Plaintiff realleges and incorporates by reference the alleged infringement of the '298 Patent claim 1 above, and the Infringing Products satisfy each and every element of the '298 Patent's apparatus of claim 7:

- a. The Edyn Garden Sensor comprises the apparatus of claim 1, further comprising a battery in the housing unit.

30. Plaintiff realleges and incorporates by reference the alleged infringement of the '298 Patent claims 1 and 7 above, and the Infringing Products satisfy each and every element of the '298 Patent's apparatus of claim 9:

- a. The Edyn Garden Sensor comprises the apparatus of claim 7 and further comprises at least one solar cell for recharging the battery.

31. Further as against the '298 Patent, the Infringing Products satisfy each and every element of the '298 Patent's method of claim 10 by:

- a. Soil IQ produces the Edyn Garden Sensor, an apparatus used in a method determining vegetation capable of thriving in a plurality of environmental conditions.

- b. The Edyn Garden Sensor, an environmental detection apparatus, senses a plurality of environmental conditions including sunlight intensity.
- c. The Edyn Garden Sensor stores the plurality of sensed environmental conditions including sunlight intensity data on a memory storage device.
- d. The Edyn Garden Sensor downloads the plurality of sensed environmental conditions to a database, wherein a processor accesses data from the database and determines a list of vegetation capable of surviving in the plurality of stored environmental conditions, said processor then provides said list of vegetation to a display device for displaying said list of vegetation to a user.

32. Plaintiff realleges and incorporates by reference the alleged infringement of the '298 Patent claim 10 above, and the Infringing Products satisfy each and every element of the '298 Patent's method of claim 11 by:

- a. The Edyn Garden Sensor comprises the method of claim 10 wherein the plurality of environmental conditions further comprises a geographic locations a date and time reading, a temperature reading, and a moisture reading.

33. Further as against the '298 Patent, the Infringing Products satisfy each and every element of the '298 Patent's method of claim 15 by:

- a. Soil IQ produces the Edyn Garden Sensor, an environment detection apparatus, and the Edyn Water Valve, an irrigation system actuator used in conjunction with the Edyn Garden Sensor, both products comprising a

control system for using an environment detection apparatus as an activation device for a sprinkler system.

- b. The Edyn Garden Sensor comprises a sunlight intensity sensor for providing a sunlight intensity reading.
- c. The Edyn Garden Sensor comprises at least one logical operator producing an output to an actuator based on the sunlight intensity.
- d. The Edyn Water Valve comprises an actuator activating the sprinkler system based on the output of the at least one logical operator.

34. Plaintiff realleges and incorporates by reference the alleged infringement of the '298 Patent claim 15 above, and the Infringing Products satisfy each and every element of the '298 Patent's method of claim 17 by:

- a. The Edyn Garden Sensor comprises the control system of claim 15 further comprising a ground moisture sensor for providing a moisture reading for said logical operator.

35. Plaintiff realleges and incorporates by reference the alleged infringement of the '298 Patent claim 15 above, and the Infringing Products satisfy each and every element of the '298 Patent's method of claim 18 by:

- a. The Edyn Garden Sensor comprises the control system of claim 15 wherein the at least one environmental condition includes a weather forecast which is read from a remote device.

36. Further as against the '298 Patent, the Infringing Products satisfy each and every element of the '298 Patent's method of claim 19 by:

- a. Soil IQ produces the Edyn Garden Sensor comprising an apparatus for detecting a plurality of environmental conditions.
- b. The Edyn Garden Sensor comprises a housing unit including a light sensor and a temperature sensor.
- c. The Edyn Garden Sensor comprises a memory storage device disposed in said housing unit for storing data from said light sensor and from said temperature sensor.
- d. The Edyn Garden Sensor comprises a circuit board electrically connected to said first sensor and said memory storage device, and contained within said housing unit.
- e. The Edyn Garden Sensor comprises a second sensor including a moisture probe physically connected to said housing unit and electrically connected to said circuit board.

37. Defendant Soil IQ has been on express notice of its infringement since at least January 2016 when it was offered a license to the '298 Patent.

38. 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.

39. 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.

40. 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.

41. 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: August 2, 2016

By: /s/ Charles Ainsworth
Charles Ainsworth
State Bar No. 00783521
charley@pbatyler.com
Parker, Bunt & Ainsworth, PC
100 E. Ferguson, Suite 1114
Tyler, Texas 75702
Phone: (903) 531-3535
Fax: (903) 533-9687

PIA ANDERSON MOSS HOYT
Joseph G. Pia
State Bar No. 24093854
joe.pia@pamhlaw.com
Robert E. Aycock (Pro Hac)
raycock@pamhlaw.com
Chrystal Mancuso-Smith (Pro Hac)
cmancuso@pamhlaw.com
Pia Anderson Moss Hoyt
136 E. South Temple, 19th Floor
Salt Lake City, Utah 84111
Phone: (801) 350-9000
Fax: (801) 350-9010

ATTORNEYS FOR PLAINTIFFS