
**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.

HISGADGET, INC. a California
Corporation; and JOHN DOES 1 - 10,

Defendants

Civil Action No. 2:16-cv-857

(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 Hisgadget, 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. Hisgadget, Inc. (“Hisgadget”), is a California Corporation with its principal place of business at 3342 Western Avenue Union City, California 94587.
3. Hisgadget can be served with process through its registered agent: Zhi Liu at 33442 Western Avenue Union City, California 94587.
4. John Does 1 - 10, represent entities which may be identified through the course and scope of discovery.

JURISDICTION AND VENUE

5. Hisgadget sells, offers to sell, and markets infringing products, including at least the Dr. Meter 4-in-1 Advanced Sensor through interactive websites that are available in the Eastern District of Texas. Exemplary websites include, but are not limited to, <http://www.sears.com>¹ and <http://www.amazon.com>.²

6. On information and belief, Hisgadget imports, offers to sell, sells, and otherwise distributes infringing products, including at least the Dr. Meter 4-in-1 Advanced 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 Internet retail outlets, e.g., through the outlets identified above.

7. By placing infringing products, including at least the Dr. Meter 4-in-1 Advanced Sensor, into the stream of commerce with the intent that they be sold, offered for sale, purchased, and used, Hisgadget has transacted and continues to transact business in Texas.

8. Hisgadget 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.

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

¹ <http://www.sears.com/general-tools-instruments-general-tools-instruments-dsmm600-4/p-SPM11078969632?plpSellerId=National%20Sales&prdNo=9&blockNo=9&blockType=G9#>

² https://www.amazon.com/Dr-Meter-Moisture-Hydrometer-Gardening-Advanced/dp/B01CXZEI16/ref=sr_1_sc_1?ie=UTF8&qid=1470093953&sr=8-1-spell&keywords=Dr+Meter+4-in-1+advance

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

11. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because, as described above, Defendant Hisgadget has infringed and continues 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

12. 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.

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

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

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

16. 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.

17. 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)**

18. Plaintiff realleges and incorporates by reference, as if fully set forth herein, all other paragraphs herein.

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

20. 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.

21. The Infringing Products include, but are not limited to, infringement of Claims 1, 7, and 19 by the Dr. Meter 4-in-1 Advanced, and may include other products and claims of infringement of the '298 Patent identified through discovery.

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

- a. Hisgadget produces the Dr. Meter 4-in-1 Advanced Sensor, which comprises an apparatus for detecting a plurality of environmental conditions. <http://www.hisgadget.com/product/dr-meter-moisture-sensor-meter-soil-water-monitor-hydrometer-for-gardening-farming-indooroutdoor-use-4-in-1-advanced-version>.
- b. The Dr. Meter 4-in-1 Advanced Sensor comprises a housing unit containing a light sensor.
- c. The Dr. Meter 4-in-1 Advanced Sensor includes a memory storage device disposed in said housing unit.
- d. The Dr. Meter 4-in-1 Advanced 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 Dr. Meter 4-in-1 Advanced Sensor comprises at least one moisture probe physically connected to the housing unit, and electrically connected to the circuit board.

23. 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 Dr. Meter 4-in-1 Advanced Sensor comprises the apparatus of claim 1, further comprising a battery in the housing unit.

24. 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. Hisgadget produces the Dr. Meter 4-in-1 Advanced Sensor comprising an apparatus for detecting a plurality of environmental conditions.
- b. The Dr. Meter 4-in-1 Advanced Sensor comprises a housing unit including a light sensor and a temperature sensor.
- c. The Dr. Meter 4-in-1 Advanced 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 Dr. Meter 4-in-1 Advanced Sensor comprises a circuit board electrically connected to said first sensor and said memory storage device, and contained within said housing unit.

- e. The Dr. Meter 4-in-1 Advanced Sensor comprises a second sensor including a moisture probe physically connected to said housing unit and electrically connected to said circuit board.

25. 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.

26. 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.

27. 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.

28. 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

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