

**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.

LINK 4 CORP., a Delaware Corporation; and
JOHN DOES 1 - 10,

Defendants

Civil Action No. 2:16-CV-897

(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 Link 4 Corp., 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. Link 4 Corp. (“Link 4”) is a Delaware Corporation with its principal place of business at 22725 La Palma Avenue Yorba Linda, CA 92887.
3. Link 4 can be served with process through its registered agent: Paracorp Incorporated at 2140 S. Dupont Hwy. Camden, DE 19934.
4. John Does 1 - 10, represent entities which may be identified through the course and scope of discovery.

JURISDICTION AND VENUE

5. Link 4 sells, offers to sell, and markets infringing products, including at least the iGrow Controller series (“**iGrow Controller**”) through interactive websites that are available in the Eastern District of Texas. Exemplary websites include, but are not limited to, <http://www.store.link4corp.com>; <http://www.teksupply.com>;¹ and <http://www.farmtek.com>.²

6. On information and belief, Link 4 imports, offers to sell, sells, and otherwise distributes infringing products, including at least the iGrow Controller, 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 interactive Internet retail outlets, *e.g.*, through at least the website outlets identified above.

7. By placing infringing products, including at least the iGrow Controller, into the stream of commerce with the intent that they be sold, offered for sale, purchased, and used, Link 4 has transacted and continues to transact business in Texas.

8. Link 4 has committed and/or induced acts of patent infringement in Texas, including 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. Link 4 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.teksupply.com/contractor/supplies/prod1;ts_thermostats_controllers-ts_alarms_monitors_2;pg111138.html.

² https://www.farmtek.com/farm/supplies/prod1;ft_thermostats_controllers;pg111138.html.

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 Link 4 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, including but not limited to the iGrow Controller, that are covered by the claims of the '298 Patent ("***Infringing Products***"); and/or have contributed to infringement; and/or have induced others to commit infringing acts.

21. The claims of the '298 Patent that Defendants infringe include, but are not limited to, Claims 1, 2, 3, 15, 17, and 19 by the iGrow Controller 1000, specifically the iGrow 1400 and the iGrow 1600 Controllers, 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 claim 1:

- a. Link 4 produces the iGrow Controller, which comprises an apparatus for detecting a plurality of environmental conditions.
<https://www.link4corp.com>.
- b. The iGrow Controller comprises a housing unit containing a light sensor.
- c. The iGrow Controller includes a memory storage device disposed in said housing unit.
- d. The iGrow Controller 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 iGrow Controller 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 2:

- a. The iGrow Controller 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.

24. 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 3:

- a. The Link 4 iGrow Controller comprises the apparatus of claim 1 wherein the housing unit further comprises an accessible compartment providing access to the memory storage device.

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

- a. Link 4 produces the iGrow Controller comprising a control system for using an environment detection apparatus as an activation device for a sprinkler system.
- b. The iGrow Controller comprises a sunlight intensity sensor for providing a sunlight intensity reading.

- c. The iGrow Controller comprises at least one logical operator producing an output to an actuator based on the sunlight intensity.
- d. The iGrow Controller comprises an actuator activating the sprinkler system based on the output of the at least one logical operator.

26. 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:

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

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

- a. Link 4 produces the iGrow Controller comprising an apparatus for detecting a plurality of environmental conditions.
- b. The iGrow Controller comprises a housing unit including a light sensor and a temperature sensor.
- c. The iGrow Controller comprises a memory storage device disposed in said housing unit for storing data from said light sensor and from said temperature sensor.
- d. The iGrow Controller comprises a circuit board electrically connected to said first sensor and said memory storage device, and contained within said housing unit.

e. The iGrow Controller comprises a second sensor including a moisture probe, physically connected to said housing unit and electrically connected to said circuit board.

28. 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.

29. 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.

30. 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.

31. Defendants' infringing activities have damaged Plaintiff, which entitles Plaintiff 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 12, 2016

/s/ Charles Ainsworth _____

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