

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

REEF MOUNTAIN LLC,

Plaintiff,

v.

TP-LINK USA CORPORATION,

Defendant.

No. 5:16-cv-136-RWS

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Reef Mountain LLC files its First Amended Complaint for Patent Infringement and alleges based on knowledge as to itself and information and belief as to the Defendant as follows.

THE PARTIES

1. Plaintiff Reef Mountain LLC is a Texas limited liability company with a principal office at 5570 FM 423, Suite 250-125, Frisco, Texas 75034.

2. Defendant TP-LINK USA Corporation is a California corporation with a principal office at 975 Overland Court, San Dimas, California 91773. Defendant may be served with process via Zhen Wu at its principal office.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

5. Upon information and belief, this Court has personal jurisdiction over Defendant because (i) Defendant conducts business in this Judicial District, directly or through intermediaries; (ii) at least a portion of the alleged infringements occurred in this Judicial District; and (iii) Defendant regularly solicits business, engages in other persistent courses of

conduct, or derives revenue from goods and services provided to individuals in this Judicial District.

6. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391(b), (c), and 1400(b).

THE PATENT-IN-SUIT

7. On August 7, 2012, the U.S. Patent and Trademark Office duly and lawfully issued U.S. Patent No. 8,239,481 (the “481 patent”), entitled “System and Method for Implementing Open-Control Remote Device Control.” A true and correct copy of the 481 patent is attached at Exhibit A.

8. The 481 patent is presumed valid under 35 U.S.C. § 282(a).

9. Plaintiff is the owner and assignee of all substantial rights, title, and interest in and to the 481 patent.

THE ACCUSED PRODUCTS

10. Defendant makes, uses, sells, offers for sale, or imports one or more products that infringe one or more claims of the 481 patent.

11. Defendant’s Accused Products are: (1) HD Pan/Tilt Wi-Fi Camera WITH NIGHT VISION NC450, (2) HD Day/Night Cloud Camera 300Mbps Wi-Fi NC250, (3) HD Day/Night Wi-Fi Cloud Camera NC230, (4) Day/Night Cloud Camera 300Mbps Wi-Fi NC220, (5) HD Wi-Fi Cloud Camera NC210, and (6) Cloud Camera 300Mbps Wi-Fi NC200, each with the tpCamera App and TP-LINK Camera Control.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. 8,239,481

12. Plaintiff incorporates by reference each of its foregoing allegations.

13. Plaintiff conducted a pre-filing investigation, comparing the Accused Products to one or more claims of the 481 patent.

14. Based on Plaintiff’s pre-filing investigation, without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant directly infringes one or more claims of the 481

patent in this District and/or throughout the United States, literally or under the doctrine of equivalents, through its testing and use of the Accused Products before releasing them for sale to the public.

15. Defendant directly infringes at least claim 1 of the 481 patent in violation of 35 U.S.C. § 271(a) by, among other things, testing and using within this District and/or the United States its Accused Products, which under claim 1 of the 481 patent provides a method for controlling devices (*e.g., the Accused Products*) in a computer system, the method comprising:

obtaining a user selection (*e.g., a live video feed selected by a user*) of one or more of a plurality of networked devices (*e.g., a plurality of networked Accused Products*) to be manipulated from a user interface (*e.g., via a user interface application supplied by Defendant*), wherein at least one of the plurality of networked devices requires device-specific protocol instructions that are different from protocol instructions required by at least one of the other plurality of networked devices (*e.g., for accessing and communicating with the networked Accused Products, which are different models having their own device-specific identification and communication requirements*);

obtaining a user interface application corresponding to the selected one or more networked devices (*e.g., Defendant provides a user interface application for the networked Accused Products available for download and installation on a smartphone, tablet, or computer*);

transmitting (*e.g., for download*), to at least one user interface selection device (*e.g., a smartphone, tablet, or computer*), the user interface application corresponding to the selected one or more networked devices so that the user interface can be displayed on the at least one user interface selection device (*e.g., the user interface is displayed on the smartphone, tablet, or computer after it is downloaded and installed on the devices*);

obtaining a user selection of an operation corresponding to at least one selected networked device (*e.g., obtaining a user selection of a live video feed*);

encoding the selected operation according to a standard communication protocol instruction (*e.g., encoding the live video feed according to a wireless communication protocol*);
transmitting the selected standard protocol instruction to a server corresponding to the selected networked device (*e.g., the live video feed is transmitted from the Accused Products to a server*); and
obtaining an output corresponding to the selected operation of the selected networked device (*e.g., outputting a live video feed*).

16. Claim 1 is understandable to a person of ordinary skill in the art who has the requisite education, training, and experience with the technology at issue in this case.

17. Since at least the date that Defendant was served with a copy of Plaintiff's Original Complaint for Patent Infringement (Dkt. No. 1), Defendant has known that it is directly infringing one or more claims of the 481 patent through its testing and use of the Accused Products.

18. A person of ordinary skill in the art understands Plaintiff's theory of how Defendant directly infringes at least claim 1 of the 481 patent through its testing and use of the Accused Products upon a plain reading of this First Amended Complaint, the 481 patent, and at least claim 1.

19. Plaintiff reserves the right to modify its direct infringement theory as discovery progresses in this case, and it shall not be estopped for claim construction purposes by its preliminary infringement analysis as provided in this First Amended Complaint.

20. Plaintiff's preliminary infringement analysis is not representative of its final claim construction positions.

COUNT II
INDUCED INFRINGEMENT OF U.S. PATENT NO. 8,239,481

21. Plaintiff incorporates by reference each of its foregoing allegations.

22. Without license or authorization and in violation of 35 U.S.C. § 271(b), Defendant induces infringement of one or more claims of the 481 patent in this District and/or throughout the United States by providing its customers with instructions that are provided and sold with the Accused Products on how to perform and directly infringe at least claim 1, as detailed above, during their customers' direct use of the Accused Products.

23. Since at least the date that Defendant was served with a copy of Plaintiff's Original Complaint for Patent Infringement, Defendant has known of the 481 patent and along with providing instructions on how to operate the Accused Products, it has known that it is inducing direct infringement of at least claim 1 of the 481 patent by its customers.

24. If Defendant does not know that it has been inducing direct infringement by its customers through their use of Defendant's instructions on how to use the Accused Products since being served with Plaintiff's Original Complaint for Patent Infringement, Defendant has taken deliberate actions to remain willfully blind and avoid learning about its inducing direct infringement.

25. Since at least the date that Defendant was served with a copy of Plaintiff's Original Complaint for Patent Infringement, Defendant has specifically intended to induce direct infringement of the 481 patent by providing instructions on how its customers are to use the Accused Products based on its knowledge of the 481 patent and at least claim 1.

26. A person of ordinary skill in the art understands Plaintiff's theory of how Defendant is inducing its customers to directly infringe at least claim 1 upon a plain reading of this First Amended Complaint, the 481 patent, and at least claim 1.

27. Plaintiff reserves the right to modify its induced infringement theory as discovery progresses in this case, and it shall not be estopped for claim construction purposes by its preliminary infringement analysis as provided in this First Amended Complaint.

28. Plaintiff's preliminary infringement analysis is not representative of its final claim construction positions.

PRAYER FOR RELIEF

Plaintiff requests the following relief:

- A. Judgment that Defendant has infringed the 481 patent under 35 U.S.C. §§ 271(a) and (b);
- B. An accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. An award of damages under 35 U.S.C. § 284 adequate to compensate Plaintiff for Defendant's past and future infringement, including any infringement from the date of filing of Plaintiff's Original Complaint for Patent Infringement through the date of judgment, together with interest and costs;
- D. Judgment that this case is exceptional under 35 U.S.C. § 285 and an award of Plaintiff's reasonable attorneys' fees and costs; and
- E. Such further relief at law or in equity that this Court deems just and proper.

JURY TRIAL DEMAND

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

Dated: December 27, 2016

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record whom have consented to electronic service were served with a copy of this document under this Court's CM/ECF system and local rules on December 27, 2016.

A handwritten signature in blue ink, appearing to read "Peter J. Corcoran, III", is positioned above a horizontal line.

Peter J. Corcoran, III