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7 Attorneys for Plaintiff,  
PATHWAY INNOVATIONS AND TECHNOLOGIES, INC.

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

11 PATHWAY INNOVATIONS AND  
12 TECHNOLOGIES, INC., a California  
corporation,

13 Plaintiff,

14 vs.

15 IPEVO, INC.; a California corporation; and  
16 DOES 1 through 10, inclusive,

17 Defendants.

CASE NO. **'17CV312 BAS BLM**

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

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1 Plaintiff Pathway Innovations and Technologies, Inc. (“Pathway”) hereby complains of  
2 Defendant IPEVO, Inc., and DOES 1 through 10 (collectively, “IPEVO”), and alleges as follows:

3 **NATURE OF THE ACTION**

4 1. This is an action for patent infringement under the patent laws of the United States,  
5 35 U.S.C. § 271, *et seq.*

6 **THE PARTIES**

7 2. Pathway is a California corporation with its principal place of business located at  
8 10211 Pacific Mesa Boulevard, Suite 412, San Diego, California 92121.

9 3. Formed in 2009, Pathway is a privately-held company based in San Diego,  
10 California that designs, develops and sells innovative electronic products that enhance learning,  
11 improve communication, and help people save time. Pathway does business as Hovercam®  
12 ([www.thehovercam.com](http://www.thehovercam.com)) and is the designer and manufacturer of HoverCam branded software  
13 and document cameras that combine the features of a digital camera and a scanner into easy-to-  
14 use visual presenters. Pathway’s innovative products are  
15 especially useful in educational settings. For example, a  
16 HoverCam document camera (shown right) “hovers” over  
17 a desk unobtrusively and is used by educators to capture,  
18 manipulate and present seamless video of documents and  
19 objects to students in real-time.



20 4. Traditional scanners are too slow for the  
21 classroom and conventional cameras lack sufficient  
22 resolution, zoom and annotation capabilities, and other functions needed for an optimal learning  
23 environment. However, a HoverCam document camera captures, digitizes and displays  
24 documents immediately at an incredibly high resolution of up to thirteen (13) megapixels, which  
25 is about six (6) times the resolution of a typical high-definition (HD) television. Moreover,  
26 HoverCam users can manipulate, annotate, zoom and resize documents and video without any  
27 loss in resolution, and can record and playback seamless video at a remarkable thirty (30) frames  
28 per second. HoverCam document cameras have won numerous awards and are presently used in

1 over 200,000 classrooms around the world.

2 5. Pathway is informed and believes and based thereon alleges that Defendant  
3 IPEVO is an corporation organized and existing under the laws of the State of California with its  
4 principal place of business located at 440 North Wolfe Road, Sunnyvale, California 94085. On  
5 information and belief, IPEVO may be served via its registered agent for service of process  
6 Royce Hong, 3405 Thomas Drive, Palo Alto, California 94085.

7 6. Pathway is ignorant of the true names and capacities of the parties sued herein as  
8 DOES 1 through 10, inclusive, whether individual, corporate or otherwise, and therefore sues  
9 these defendants by such fictitious names. Pathway will seek leave to amend the complaint to  
10 assert their true names when they have been ascertained. Pathway is informed and believes and  
11 based thereon alleges that all defendants sued herein as DOES 1 through 10 are in some manner  
12 responsible for the acts and omissions alleged herein.

13 **JURISDICTION AND VENUE**

14 7. This Court has original and exclusive subject matter jurisdiction over this action  
15 under 28 U.S.C. §§ 1331 and 1338(a).

16 8. This Court has personal jurisdiction over IPEVO because it regularly conducts  
17 business and/or solicits business in California and within this District; because IPEVO engages in  
18 other courses of conduct and derives revenue from products provided to residents of California  
19 and this District as well as substantial revenue from interstate and international commerce;  
20 because IPEVO has purposefully established substantial, systematic and continuous contacts with  
21 California and this District and should reasonably expect to be haled into court in this District;  
22 and because IPEVO has committed and continues to commit acts of patent infringement in  
23 California and this District in violation of 35 U.S.C. § 271, and by placing infringing products  
24 into the stream of commerce with the knowledge or understanding that such products are sold in  
25 the State of California, including in this District. The acts by IPEVO cause injury to Pathway  
26 within this District.

27 9. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b) because  
28 IPEVO has regularly transacted business in California and within this District and offers for sale

1 in this District products that infringe Pathway’s patents, because certain of the acts complained of  
2 herein occurred in California and within this District, because IPEVO derives and seeks to derive  
3 revenue from sales of infringing products sold in California and within this District, and because  
4 IPEVO is subject to personal jurisdiction in this District. In addition, venue is proper because  
5 Pathway’s principal place of business is in this District and Pathway suffered harm in this district.

6 **GENERAL ALLEGATIONS**

7 10. On August 13, 2013, the PTO duly and lawfully issued U.S. Patent No. 8,508,751,  
8 entitled “Capturing Real-Time Video With Zooming Capability and Scanning High Resolution  
9 Still Images of Documents Using the Same Apparatus” (“the ‘751 patent”). Pathway is the owner  
10 by assignment of the ‘751 patent, a copy of which is attached hereto as Exhibit A.

11 11. Pathway is informed and believes and based thereon alleges that IPEVO makes,  
12 uses, sells, offers for sale, imports, and/or sells after importation into the United States document  
13 cameras and visual presentation equipment and software for use therewith that infringe one or  
14 more claims of the ‘751 patent, including without limitation IPEVO’s iZiggi-HD Wireless  
15 Document Camera, VZ-1 HD VGA/USB Dual-Model Document Camera, Ziggi-HD Plus High-  
16 Definition USB Document Camera, Point 2 View (P2V) USB Document Camera, and IPEVO’s  
17 Presenter software and/or IPEVO’s Annotator software for use therewith (collectively, the  
18 “Accused Products”).

19 **CLAIM FOR RELIEF**

20 **(Infringement of U.S. Patent No. 8,508,751)**

21 12. Pathway repeats, realleges and incorporates by reference the preceding allegations  
22 above as though set forth fully herein.

23 13. IPEVO, by and through its agents, officers, directors, employees and servants, has  
24 been and is currently willfully and intentionally infringing one or more claims of the ‘751 patent  
25 by (a) making, using, offering to sell, selling in the United States, importing into the United  
26 States, and/or selling after importation into the United States one or more Accused Products; (b)  
27 actively inducing direct infringement of the ‘751 patent by instructing users in the Ziggi-HD Plus  
28 USB Document Camera User Manual and elsewhere how to download IPEVO’s Presenter and/or

1 Annotator software and use the Presenter and/or Annotator software to perform digital zoom in  
2 video and other functions that infringe the '751 patent; and/or (c) importing, offering to sell, or  
3 selling the Accused Products, knowing such products to be especially made or adapted for use in  
4 infringing the '751 patent and not staple articles or commodities suitable for substantial  
5 noninfringing use. IPEVO's acts constitute infringement of the '751 patent in violation of 35  
6 U.S.C. §271. Pathway is further informed and believes and thereon alleges that IPEVO's  
7 infringement is willful and that IPEVO has willfully copied Pathway's products.

8 14. Pathway is further informed and believes and based thereon alleges that if and to  
9 the extent IPEVO is not infringing directly, IPEVO is infringing indirectly by contributing to  
10 and/or inducing direct infringers, including without limitation IPEVO's distributors, retailers,  
11 resellers, end users, and/or customers, to infringe the '751 patent, such as by instructing users in  
12 the Ziggi-HD Plus USB Document Camera User Manual, website and elsewhere how to  
13 download IPEVO's Presenter and/or Annotator software and use the Presenter and/or Annotator  
14 software to perform digital zoom in video and other functions that infringe the '751 patent.

15 15. Pathway is further informed and believes and based thereon alleges that IPEVO is  
16 knowingly inducing direct infringement and has the specific intent to encourage its distributors,  
17 retailers, resellers, end users and/or customers to directly infringe the '751 patent by (among other  
18 things) designing, developing and selling products, including without limitation the Accused  
19 Products, and instructing its distributors, resellers, retailers, end users and/or customers how to  
20 use IPEVO's Presenter and/or Annotator software for the purpose of performing real-time image  
21 and video capturing and recording with zooming and high-resolution scanning capabilities, and/or  
22 by making, using, selling, importing and offering to sell the Accused Products that perform real-  
23 time image and video capturing and recording with zooming and high-resolution scanning  
24 capabilities. Pathway is further informed and believes and based thereon alleges that the Accused  
25 Products are each a material component of Pathway's patented methods and/or systems and that  
26 the Accused Products are not capable of substantial non-infringing use.

27 16. Pathway is informed and believes and based thereon alleges that IPEVO's  
28 infringement of the '751 patent will continue unless enjoined by this Court.



1 (h) An award of pre-judgment and post-judgment interest and costs of this action  
2 against IPEVO; and

3 (i) For such other and further relief as the Court deems just and proper.

4 Dated: February 16, 2017 SAN DIEGO IP LAW GROUP LLP

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6 By: /s/James V. Fazio, III

7 JAMES V. FAZIO, III  
TREVOR Q. CODDINGTON, PH.D.

8 Attorneys for Plaintiff,  
9 PATHWAY INNOVATIONS AND TECHNOLOGIES,  
10 INC.

10

11 **DEMAND FOR JURY TRIAL**

12 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff Pathway  
13 Innovations and Technologies, Inc. hereby demands a trial by jury of all issues so triable.

14 Dated: February 16, 2017 SAN DIEGO IP LAW GROUP LLP

15

16 By: /s/James V. Fazio, III

17 JAMES V. FAZIO, III  
18 TREVOR Q. CODDINGTON, PH.D.

19 Attorneys for Plaintiff,  
20 PATHWAY INNOVATIONS AND TECHNOLOGIES,  
21 INC.

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