

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

HAWK TECHNOLOGY SYSTEMS LLC,

Plaintiff,

v.

BNSF RAILWAY COMPANY,

Defendant.

No. 5:17-cv-

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Hawk Technology Systems LLC, by and through its undersigned counsel, files its Original 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 Hawk Technology Systems LLC is a Texas limited liability company with a principal office at 25 SE 2nd Avenue, 8th floor, Miami, Florida 33131.
2. Defendant BNSF Railway Company is a Delaware corporation with a principal office at 2650 Lou Menk Drive, Fort Worth, Texas 76131. Defendant may be served with process through its registered agent: The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

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 patent 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) and (c) and 1400(b).

THE PATENT-IN-SUIT

7. On June 12, 2012, the U.S. Patent and Trademark Office issued U.S. Patent No. RE43,462 (“the 462 patent”), titled “Video Monitoring and Conferencing System.” A true and accurate copy of the 462 patent is attached at Exhibit A.

8. The 462 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 the 462 patent, including the right to assert all causes of action arising under the patent and the right to recover all past and future damages for infringement of the patent.

THE ACCUSED PRODUCT

10. Defendant uses one or more products that infringe one or more claims of the 462 patent.

11. Defendant uses the Accused Product, NICE Systems Ltd.’s NiceVision Pro video monitoring system, at its locations.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. RE43,462

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

13. Plaintiff conducted a pre-filing investigation, comparing the Accused Product to one or more claims of the 462 patent and Defendant’s use of the 462 patent.

14. Without license or authorization and in violation of 35 U.S.C. §§ 271(a), Defendant directly infringes one or more claims of the 462 patent at its locations in this District and throughout the United States, literally or under the doctrine of equivalents.

15. Defendant directly infringes at least Claim 12 of the 462 patent by using the Accused Product at its locations within this District and the United States in a manner that infringes at least Claim 12 of the 462 patent as follows:

The method of simultaneously displaying and storing multiple video images (*using the Accused Product, Defendant simultaneously displays and stores multiple video images*), comprising the steps of:

receiving video images at a personal computer based system from one or more sources (*using the Accused Product, Defendant receives video images at a personal computer based system from one or more of the Accused Product's sixteen channels*);

digitizing any of the images not already in digital form using an analog-to-digital converter (*using the Accused Product, Defendant digitizes the images not already in digital form using an analog-to-digital converter contained in the Accused Product*);

displaying at least certain of the digitized images in separate windows on a personal computer based display device (*using the Accused Product, Defendant displays up to sixteen camera feeds in separate windows on a personal computer based display device*), using a first set of temporal and spatial parameters associated with each image in each window (*the Accused Product uses a first set of temporal, e.g., up to 96 video inputs per unit, and spatial parameters, e.g., up to 30fps (NTSC) / 25fps (PAL) per camera, associated with live video of the images in each window*);

converting one or more of the video source images into a data storage format using a second set of temporal and spatial parameters associated with each image (*using the Accused Product, Defendant converts one or more of the video source images into a data storage format, e.g., MPEG-4, using a second*

set of MPEG-4 temporal and MPEG-4 spatial parameters associated with each image); and

simultaneously storing the converted images in a storage device (using the Accused Product, Defendant simultaneously stores the converted images in a hard disk of the Accused Product).

16. Claim 12 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. A person of ordinary skill in the art understands Plaintiff's theory of how Defendant directly infringes at least Claim 12 of the 462 patent by using the Accused Product upon a plain reading of this Complaint, the 462 patent, and at least Claim 12.

18. Since at least the date that Defendant was served with a copy of Plaintiff's Complaint, Defendant has known that it is directly infringing one or more claims of the 462 patent by using the Accused Product.

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 Complaint.

20. 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 directly infringed the 462 patent under 35 U.S.C. § 271(a);

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 this Complaint 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: March 2, 2017

Respectfully submitted,



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