

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IRON GATE SECURITY, INC.,

Plaintiff,

v.

SIMPLISAFE, INC.

Defendant.

Civil Action No. _____

Jury Demand

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Iron Gate Security, Inc. (“Iron Gate”) files this Complaint against SimpliSafe, Inc. (“SimpliSafe”) for patent infringement of U.S. Patent No. 6,288,641 and hereby alleges as follows:

NATURE OF THE ACTION

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

PARTIES

2. Iron Gate is a Delaware corporation having a place of business at 780 Third Avenue, 12th Floor, New York, New York 10017.

3. On information and belief, SimpliSafe is a Delaware corporation with its principal place of business at 1035 Cambridge Street, Suite 18A, Cambridge, Massachusetts 02141.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

5. This Court has personal jurisdiction over SimpliSafe. On information and belief, SimpliSafe is incorporated in Delaware, regularly does or solicits business in this jurisdiction at

least via its interactive website, engages in other persistent courses of conduct in this jurisdiction, and/or derives substantial revenue from goods and services provided to persons or entities in this jurisdiction.

6. In addition, this Court has personal jurisdiction over SimpliSafe by reason of SimpliSafe's acts of patent infringement that have been committed in this judicial district, and by virtue of its regularly conducted and systematic business contacts in this judicial district. SimpliSafe has purposefully availed itself of the privilege of conducting business within this judicial district; has established sufficient minimum contacts with this judicial district such that it should reasonably and fairly anticipate being hauled into court in this judicial district; has purposefully directed activities at residents of this judicial district; and at least a portion of the patent infringement claims alleged herein arise out of or are related to one or more of the foregoing activities.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c), (d), and/or 1400(b), and the United States Supreme Court's decision in *TC Heartland LLC v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (May 27, 2017).

BACKGROUND

8. On September 11, 2001, the U.S. Patent and Trademark Office duly and lawfully issued U.S. Patent No. 6,288,641 ("the '641 Patent"), entitled "Assembly, And Associated Method, For Remotely Monitoring A Surveillance Area." The '641 Patent was filed on September 15, 1999. A true and correct copy of the '641 Patent is attached to this Second Amended Complaint as Exhibit A.

9. The '641 Patent relates to, amongst other things, the use of a mobile terminal to remotely monitor a surveillance location (*e.g.*, home or business).

10. The inventor of the '641 Patent is Eduardo Casais. At the time of the invention, Mr. Casais worked for Nokia, a worldwide leader in research and development related to wireless infrastructure and mobile handset technologies. The '641 Patent was initially assigned by Mr. Casais to Nokia.

11. Iron Gate is presently the owner by assignment of the '641 Patent and possesses all of the rights of recovery under the '641 Patent, including the right to sue and recover damages for infringement of claims of the '641 Patent.

12. Systems for remotely monitoring homes and businesses, including cameras, servers and mobile apps, have started to become available to consumers over the past several years. SimpliSafe is a company that offers the underlying remote surveillance equipment and services used with such mobile apps.

FIRST CLAIM FOR RELIEF
Infringement of U.S. Patent No. 6,288,641 By SimpliSafe

13. The allegations set forth above are hereby realleged and incorporated herein by reference.

14. SimpliSafe manufactures, uses, sells, offers to sell, and/or imports remote monitoring products, systems, and services in the United States that infringe at least claims 1, 15, and 22 of the '641 Patent. SimpliSafe commits acts of direct patent infringement through the manufacture, use, sale, offer for sale, and/or importation of assemblies and apparatus including SimpliCam cameras, backend servers, SimpliSafe Base Stations and/or SimpliSafe Home Security mobile apps.

15. On information and belief, SimpliSafe itself (or those acting on its behalf) has used and continues to use mobile terminals (*e.g.*, cellular phones) (with the SimpliSafe Home Security mobile app) to test and demonstrate and offer SimpliCam cameras, backend servers, SimpliSafe

Base Stations and/or the SimpliSafe Home Security mobile apps.

<https://www.cnet.com/pictures/the-high-tech-home-security-gadgets-of-ces-2016-pictures/5/>

(SimpliCam at CES 2016)

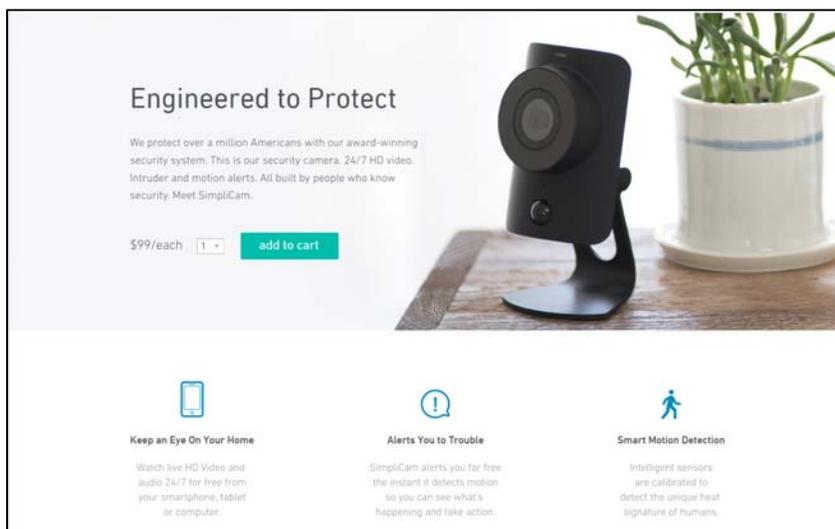
16. SimpliSafe has itself used and continues to use mobile terminals (*e.g.*, cellular phones) with at least the SimpliSafe Home Security mobile app in its online videos in order to demonstrate to customers how to use the SimpliSafe Home Security mobile app and SimpliCam assembly and apparatus in order to sell SimpliCam cameras, backend servers, SimpliSafe Base Stations and/or the SimpliSafe Home Security mobile apps, as shown for example at SimpliSafe's YouTube channel: <https://www.youtube.com/watch?v=Y0vJyzKTz04>.

17. SimpliCam cameras operate with the SimpliSafe Home Security mobile apps, backend servers and/or SimpliSafe Base Stations such that SimpliSafe provides assemblies, apparatus, systems, and/or methods for monitoring of surveillance areas (*e.g.*, locations in a home or office) that infringe at least claims 1, 15, and 22 of the '641 Patent.

18. For example, claim 1 of the '642 Patent recites an assembly for remotely monitoring at least a portion of a surveillance area, comprising: at least one transducer selectably positionable at the at least selected portion of the surveillance area, said transducer selectably operable for transducing human-perceptible signals into transduced signals; a controller containing a listing identifying positioning of said at least one transducer at the surveillance area, the listing dynamically configurable responsive to positioning of the at least one transducer at the surveillance area, said controller coupled at least selectably to receive the transduced signals generated by said at least one transducer, and said controller for controlling selection of operation of said transducer to transduce the human-perceptible signals into the transduced signals; and a mobile terminal operable to transceive communication signals, said mobile terminal selectably operable to

communicate with said controller and, in turn, to receive the transduced signals generated by a selected one of said at least one transducer, the selected one selected from the listing contained at said controller thereby to monitor the at least the selected portion of the surveillance area.

19. SimpliCam cameras function as the claimed transducers that are selectably positionable at the at least selected portion of the surveillance area, and are selectably operable for transducing human-perceptible signals into transduced signals.

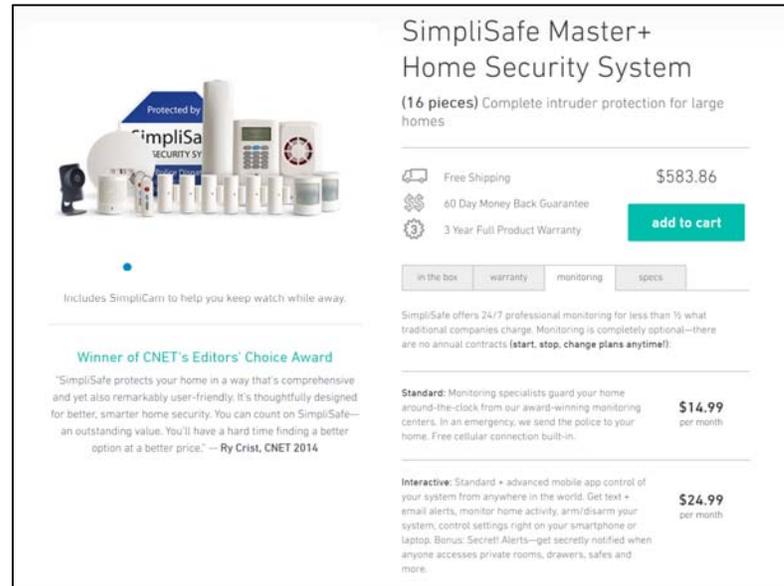


<https://simplisafe.com/simpliCam-security-camera>.

20. When a SimpliCam camera is installed or moved to a new location, the SimpliSafe Home Security mobile app enables a user to add/remove the camera and/or assign a location to the camera (e.g., living room).



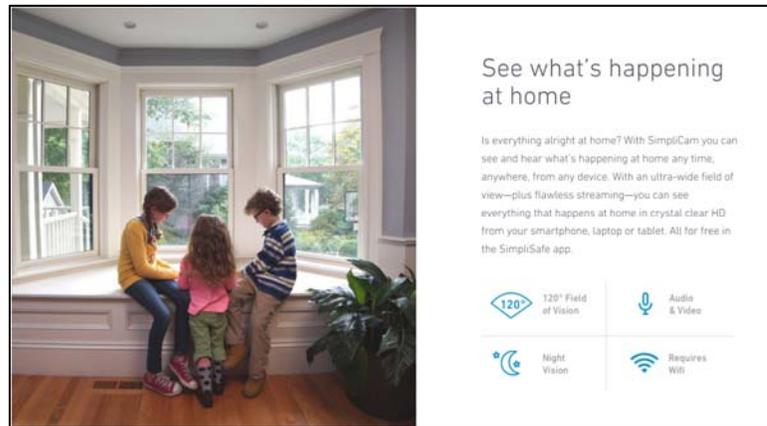
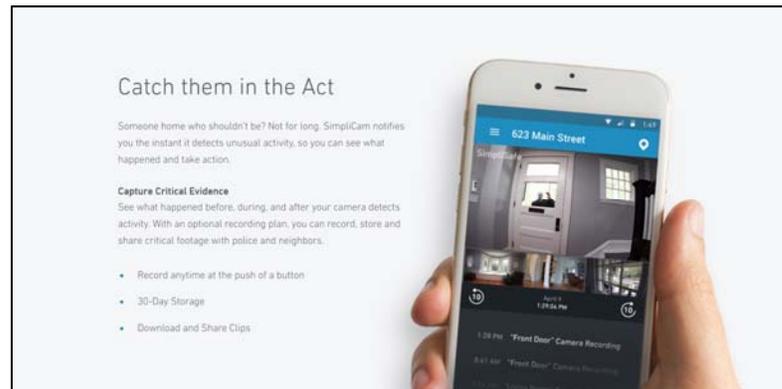
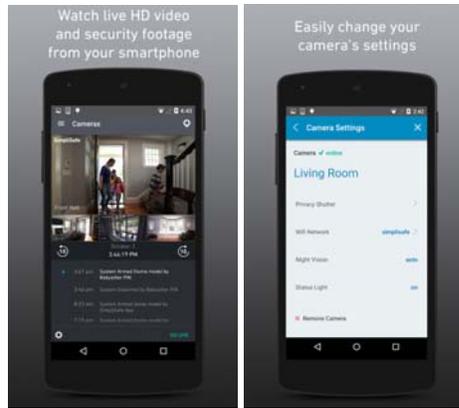
21. SimpliSafe offers monitoring services to its customers.



<https://simplisafe.com/home-security-system-master-plus>

22. The SimpliSafe Home Security mobile apps are provided via mobile download sites such as the Apple iTunes and Google Play Store. <https://play.google.com/store/apps/details?id=com.simplisafe.mobile>; <https://itunes.apple.com/us/app/simplisafe-home-security-app/id555798051?mt=8>.

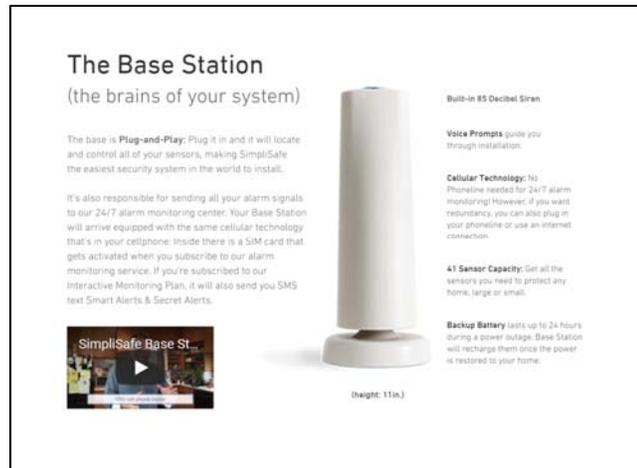
23. Using the SimpliSafe Home Security mobile app, a user can select a camera from a listing of SimpliCam cameras in order to obtain live or recorded streaming video from that camera, backend servers and/or SimpliSafe Base Stations in order to monitor a surveillance area. The SimpliSafe Home Security mobile app runs on a mobile terminal, such as an iPhone or Android phone, which is operable to transceive communication signals. The mobile phone running the SimpliSafe Home Security mobile app is selectably operable to communicate with the controller and, in turn, to receive the transduced signals generated by a selected SimpliCam camera selected from the listing contained at the controller thereby to monitor at least a selected portion of the surveillance area:



<https://simplisafe.com/simpliCam-security-camera>; <https://simplisafe.com/blog/simpliCam-integration>; <https://simplisafe.com/blog/simpliCam-feature-basics>

24. At least the backend servers and/or SimpliSafe Base Stations function as the claimed controller that contains a listing identifying positioning of the at least one SimpliCam camera at the surveillance area, the listing dynamically configurable responsive to positioning of

the at least one SimpliCam camera at the surveillance area. The controller is coupled at least selectably to receive the transduced signals generated by the at least one SimpliCam camera, and controls selection of operation of the SimpliCam camera to transduce the human-perceptible signals into the transduced signals.



<https://simplisafe.com/wireless-home-security-feature-overview>

25. The SimpliSafe Base Station has been described as the brains of the SimpliSafe system which communicates with other wireless devices such as at the SimpliSafe Home Security YouTube video at https://www.youtube.com/watch?v=_oBMCCSodag (See video at 0:29). Using the SimpliSafe Home Security mobile app, a user can obtain video clips of specific events that were recorded.

26. On information and belief, backend servers and/or SimpliSafe Base Station instruct SimpliCam cameras to record certain events.

27. SimpliSafe has also been on notice of the '641 Patent at least as early as the filing and service of the Complaint in this action.

28. Upon information and belief, at least since its post-filing knowledge of the '641 Patent, SimpliSafe knowingly encouraged, and continues to encourage, current and potential customers to directly infringe one or more claims of the '641 Patent including by its actions that include, without limitation, instructing and encouraging users to use SimpliCam cameras, backend servers, SimpliSafe Base Stations and/or SimpliSafe Home Security mobile apps through SimpliSafe's promotional and instructional materials, including through its website instructions and its user and instruction manuals. <https://simplisafe.com/camera-questions>

29. SimpliSafe instructed and continues to actively instruct customers how to set up, use, and troubleshoot its cameras and mobile apps including on its own www.simplisafe.com website.

30. SimpliSafe customers directly infringe at least claims 1, 15 and 22 of the '641 Patent through their set up and use of SimpliCam cameras, backend servers, SimpliSafe Base Stations and/or SimpliSafe Home Security mobile apps.

31. Upon information and belief, SimpliSafe is in violation of 35 U.S.C. § 271(b), and has been, at least since its post-filing knowledge of the '641 Patent, indirectly infringing, and continues to infringe indirectly, at least claims 1, 15 and 22 of the '641 Patent by knowingly and specifically intending to actively induce infringement by others (e.g., including but not limited to current and potential customers) and possessing specific intent to encourage infringement by its customers via at least the acts of advertisements, promotional materials, and instructions to use

SimpliCam cameras, backend servers, SimpliSafe Base Stations and mobile apps including by the acts shown at the SimpliSafe YouTube channel:<https://www.youtube.com/watch?v=o44TOg9Auzg>.

32. SimpliCam cameras, backend servers, SimpliSafe Base Stations and mobile apps constitute transducers, controllers and mobile device software, respectively, that, as sold and/or as used, are only capable of use for remotely monitoring a surveillance area using a mobile terminal in accordance with claims 1, 15 and 22 of the '641 Patent.

33. Iron Gate has been damaged by the indirect and direct infringement of SimpliSafe and is suffering and will continue to suffer irreparable harm and damage as a result of this infringement unless such infringement is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Iron Gate requests entry of judgment in its favor and against SimpliSafe as follows:

- A. finding that SimpliSafe has infringed one or more claims of the '641 Patent;
- B. permanently enjoining SimpliSafe and its respective officers, directors, agents, employees, attorneys, licensees, successors, assigns, and those acting in concert or participation with them from infringing the '641 Patent;
- C. awarding Iron Gate damages under 35 U.S.C. § 284, or as otherwise permitted by law, including supplemental damages for any continued post-verdict infringement together with prejudgment and post judgment interest on the damages award and costs and enhancement for willful infringement;
- D. awarding costs of this action (including all disbursements) and attorney fees pursuant to 35 U.S.C. § 285, or as otherwise permitted by law; and

E. awarding such other costs and further relief that the Court determines to be just and equitable.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Iron Gate hereby demands a trial by a jury on all issues so triable.

Respectfully submitted,

Dated: January 30, 2018

/s/ Kenneth L. Dorsney
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