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Attorneys for Plaintiff Iron Gate Security, Inc.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IRON GATE SECURITY, INC.,	:	ECF CASE
	:	
Plaintiff,	:	Civil Action No.
	:	
v.	:	
	:	
SLOMIN’S, INC.,	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	
	:	
	:	x

**COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND FOR TRIAL BY JURY**

Plaintiff Iron Gate Security, Inc. (“Iron Gate”) files this Complaint against Slomin’s, Inc. (“Slomin’s”) 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, Slomin’s is a New York corporation with its principal place of business at 125 Lauman Lane, Hicksville (Nassau County), New York 11801.

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 Slomin's. On information and belief, Slomin's is incorporated in New York, regularly does or solicits business in this jurisdiction, 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 Slomin's by reason of Slomin'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. Slomin's 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) in that Slomin's has committed acts of infringement in this judicial district and has a regular and established place of business in this judicial district, and because Slomin's is deemed to reside in this judicial district.

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 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. Slomin’s is a company that offers the underlying remote surveillance equipment and services used with such mobile apps, as well as the mobile apps.

FIRST CLAIM FOR RELIEF
Infringement Of U.S. Patent No. 6,288,641 By Slomin’s

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

14. Slomin’s 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. Slomin’s commits acts of direct patent infringement through the manufacture, use, sale, offer for sale, and/or importation of assemblies and apparatus including

cameras, backend servers, Slomin's LCD control panel, and/or Slomin's MySlomin's mobile apps.

15. On information and belief, Slomin's itself (or those acting on its behalf) has used and continues to use mobile terminals (*e.g.*, cellular phones) with the Slomin's MySlomin's mobile app to test and demonstrate and offer cameras, backend servers, Slomin's LCD control panel, and/or the Slomin's MySlomin's mobile apps.

16. Slomin's has itself used and continues to use mobile terminals (*e.g.*, cellular phones) with at least the Slomin's MySlomin's mobile app in its online videos in order to demonstrate to customers the use and availability of the Slomin's MySlomin's mobile app and assembly and apparatus in order to sell cameras, backend servers, Slomin's LCD control panel and/or the Slomin's MySlomin's mobile apps shown at videos found at the Slomin's YouTube channel: <https://www.youtube.com/watch?v=JJweoiOvXMU>; <https://www.youtube.com/watch?v=QD8lVi4AsP0>; <https://youtu.be/2G4U2r6dGFQ>.

17. Cameras operate with the Slomin's MySlomin's mobile apps, backend servers, and/or Slomin's LCD control panel such that the assemblies, apparatus, systems, and/or methods for monitoring of surveillance areas (*e.g.*, locations in a home or office) that Slomin's provides infringe at least claims 1, 15, and 22 of the '641 Patent.

18. For example, claim 1 of the '641 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

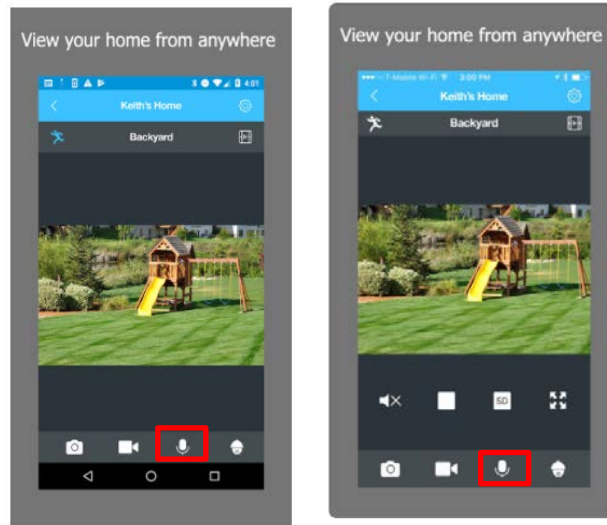
surveillance area, said controller coupled at least selectably to receive the transduced signals generated by said at least one transducer, and said controller for controlling selection of operation of said transducer to transduce the human-perceptible signals into the transduced signals; and a mobile 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. 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.



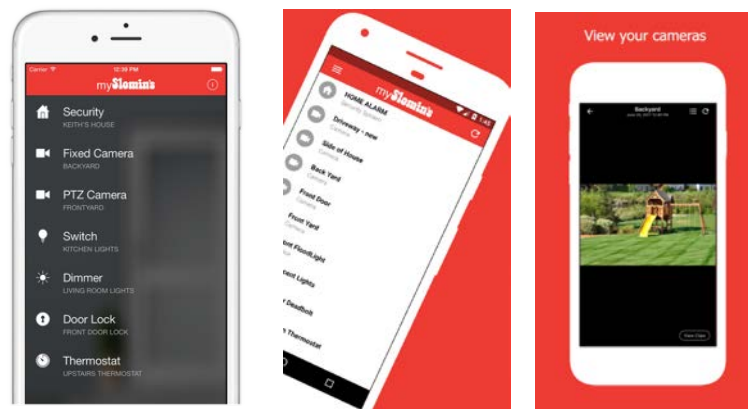
<http://www.slomins.com/security-system-components/>

20. Slomin's MySlomins Video mobile apps also enable users to listen to audio.



<https://play.google.com/store/apps/details?id=com.mm.android.slomins&hl=en;> <https://itunes.apple.com/us/app/myslomins-video/id1241627160?mt=8>

21. When a camera is installed or moved to a new location, the Slomin's MySlomin's mobile app enables a user (e.g., customer or Slomin's technician) to add/remove the camera and/or assign a location to the camera (e.g., backyard).



[http://www.slomins.com/home-automation/;](http://www.slomins.com/home-automation/) <https://itunes.apple.com/us/app/myslomins/id982788006?mt=8>


22. Slomin's offers monitoring services to its customers. [http://www.slomins.com/home-security-systems/;](http://www.slomins.com/home-security-systems/) <http://www.slomins.com/central-security-alarm-monitoring/>

23. The Slomin's MySlomin's 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.slomins.myslomins&hl=en>; <https://itunes.apple.com/us/app/myslomins/id982788006?mt=8>.

24. Using the Slomin's MySlomin's mobile app, a user can select a camera from a listing of cameras in order to obtain live or recorded streaming video from that camera, backend servers, and/or Slomin's LCD control panel in order to monitor a surveillance area. The Slomin's MySlomin's 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 Slomin's MySlomin's mobile app is selectably operable to communicate with the controller and, in turn, to receive the transduced signals generated by a selected camera selected from the listing contained at the controller thereby to monitor at least a selected portion of the surveillance area:



<http://www.slomins.com/home-automation/>; <https://itunes.apple.com/us/app/myslomins/id982788006?mt=8>



Watch Live Stream Activity from All Cameras

Showcase all of your home's cameras in one screen to see all activity at once.

<http://www.slomins.com/home-security-systems/>

Remotely monitor your system and your home

The **mySlomin's app** gives you control of your home security system from wherever you are. Whether you want to check in while at the office or let relatives inside before you make it home, the app enables you to enjoy peace of mind throughout an ever-changing day. Enjoy remote monitoring from your smartphone or tablet when you install cameras with a wireless access point. Our cameras allow you to view your home from anywhere with Internet access.

- View your home in beautiful, full-screen/high definition
- Keep an eye on your kids and pets or just check in on your home while you're away.
- Night-view infrared illumination for viewing in low-light conditions.
- Remote camera control: Pan Tilt Zoom (PTZ) fully supported. Turn and zoom the camera from your phone while you're away.

View your premises remotely from your mobile device


Our installers will assign a wireless access point to each camera in your home and then program the camera to your My Shield account. To view a live stream of activity in your home, all you have to do is log into the **mySlomin's app**. If you have multiple cameras, you will be able to enhance the size of one camera's image or view all of the images simultaneously.

Slomin's offers three types of cameras to meet your viewing needs. Our standard camera sends live-stream video to your tablet or smartphone. For outdoor viewing, consider having our weather-resistant camera installed on an outside wall or roof. If you are seeking more advanced interaction with your security system, our PTZ camera allows you to control your view by scanning a perimeter, tilting to different angles, and zooming in and out.

<http://www.slomins.com/myslomins-mobile-app/>

Camera Surveillance with Remote Viewing

Monitor activity in and around your building at all times with one of our remote viewing camera surveillance packages. From an analog camera and DVR to an IP that gives you crystal-clear imaging, we offer the tools to keep your business secure. And with our dynamic domain name service, you can keep a constant eye on the office through any web-enabled device.



<http://www.slomins.com/business-security-systems/>

25. At least the backend servers and/or Slomin's LCD control panel function as the claimed controller that contain a listing identifying positioning of the at least one camera at the surveillance area, the listing dynamically configurable responsive to positioning of the at least one camera at the surveillance area. The controller is coupled at least selectably to receive the transduced signals generated by the at least one camera, and controls selection of operation of the camera to transduce the human-perceptible signals into the transduced signals.

Home Security Systems and Business Security Systems

The Slomin's Shield system is a state-of-the-art security system that we offer, equipped with the latest technology. With a single touchscreen control panel as the brains, you can add on video cameras, including outdoor, low light cameras and pan-tilt-zoom (PTZ) cameras, motion detectors, door contacts, and more.

<http://www.slomins.com/home-security-hanover-md/>

26. On information and belief, backend servers, Slomin's LCD control panel, and/or the MySlomin's mobile app instruct cameras to record certain events.

<http://www.slomins.com/home-security-norcross-ga/>

Video Surveillance Services

The Slomin's Shield alarm system also offers extensive videos surveillance options. From standard cameras to pan-tilt-zoom cameras to outdoor, low light cameras, we have solutions for your video surveillance needs. Not only can you remotely view and control cameras, but you can also have them automatically record clips when motion is detected.

Using the Slomin's MySlomin's mobile app, a user can obtain video clips of specific events that were recorded.

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

28. On information and belief, at least since its postfiling knowledge of the '641 Patent, Slomin's 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 cameras, backend servers, Slomin's LCD control panel, and/or Slomin's MySlomin's mobile apps through Slomin's promotional and instructional materials, including through its user and instruction manuals.

29. On information and belief, Slomin's instructed and continues to actively instruct customers how to use its cameras and mobile apps including on its own www.slomins.com website.

30. Slomin's customers directly infringe at least claims 1, 15, and 22 of the '641 Patent through their setup and use of cameras, backend servers, Slomin's LCD control panel, and/or Slomin's MySlomin's mobile apps.

31. On information and belief, Slomin's is in violation of 35 U.S.C. § 271(b), and has been, at least since its postfiling 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 cameras, backend servers, Slomin's LCD control panel and mobile apps including by the acts shown in videos at the Slomin's YouTube channel: <https://www.youtube.com/watch?v=JJweoiOvXMU>; <https://www.youtube.com/watch?v=QD8lVi4AsP0>; <https://youtu.be/2G4U2r6dGFQ>.

32. Cameras, backend servers, and Slomin's MySlomin's 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 Slomin's 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 Slomin's as follows:

- A. finding that Slomin's has infringed one or more claims of the '641 Patent;
- B. permanently enjoining Slomin's 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;
- 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,
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
Attorneys for Plaintiff Iron Gate Security, Inc.

Dated: April 9, 2018

By: s/ Alexander Solo
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litigation@lerner david.com

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 1.6(a)

The undersigned hereby certifies, pursuant to Local Civil Rule 1.6(a), that with respect to the matter in controversy herein, neither Plaintiff Iron Gate Security, Inc. nor its attorneys are aware of any other action pending in any court, or of any pending arbitration or administrative proceeding, to which this matter is subject.

Respectfully submitted,
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
Attorneys for Plaintiff Iron Gate Security, Inc.

Dated: April 9, 2018

By: s/ Alexander Solo
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