

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HAWK TECHNOLOGY SYSTEMS LLC,

Plaintiff,

v.

CITY OF COPPELL, TEXAS,

Defendant.

No. 3:18-cv-1011

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 City of Coppel, Texas is a city municipality located in this Judicial District with its city hall located at 255 Parkway Boulevard, Coppel, Texas. Defendant may be served with process through its City Secretary: Christel Pettinos, 255 Parkway Boulevard, Coppel, Texas 75019.

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 at its regular and established places of business in this Judicial District, directly or through agents; (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. § 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 1.

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 damages for infringement.

10. The ’462 Patent discloses and claims a video monitoring system that improves computer technology and digital communications with improved data compression techniques, sampling rates, and frame rates that saves computer memory and reduces digital noise in digital communications.

THE ACCUSED PRODUCT

11. Defendant uses the Accused Product, IDIS Total Solution with IDIS Center, at its office locations. Attached at Exhibit 2 is true and accurate copy of the IDIS case study for Defendant.

COUNT I

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

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

13. 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 in this Judicial District and throughout the United States, literally or under the doctrine of equivalents, by using the Accused Product as shown in Exhibit 3.

14. A person of ordinary skill in the art understands Plaintiff's theory of how using the Accused Product infringes the claims of the '462 Patent upon a plain reading of this Complaint, the '462 Patent, and Exhibit 3.

15. Plaintiff shall not be estopped for infringement contention or claim construction purposes by the claim charts that it provides with this Complaint. The claim charts are intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure; they do not represent Plaintiff's preliminary or final infringement theories or preliminary or final claim construction positions.

16. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; for example, Plaintiff may need discovery on the source code of the Accused Product to finalize its infringement theories.

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 infringement, 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

Under Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury on all claims and issues so triable.

Dated: April 20, 2018

Respectfully submitted,



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