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Attorneys for Plaintiff
Secure Cam, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Secure Cam, LLC, a Wyoming Limited Liability Company) Case No. _____

Plaintiff,

v.

Tend Insights, Inc., a California corporation,

Defendant.

**COMPLAINT FOR
INFRINGEMENT OF
U.S. PATENT NO. 8,531,555
U.S. PATENT NO. 8,350,928
U.S. PATENT NO. 8,836,819
U.S. PATENT NO. 9,363,408**

DEMAND FOR JURY TRIAL

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2 **COMPLAINT FOR PATENT INFRINGEMENT**

3 Plaintiff Secure Cam, LLC, (“Secure Cam” or “Plaintiff”), by and through its
4 undersigned counsel, for its Complaint against Defendant Tend Insights, Inc.
5 (“Tend Insights” or “Defendant”) makes the following allegations. These
6 allegations are made upon information and belief.

7 **NATURE OF THE ACTION**

8 1. This is an action against Defendant for infringement of one or more
9 claims of United States Patent No. 8,531,555 (“the ‘555 Patent”), United States
10 Patent No. 8,350,928 (“the ‘928 Patent”), United States Patent No. 8,836,819 (“the
11 ‘819 Patent), and United States Patent No. 9,363,408 (“the ‘408 Patent).

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13 **PARTIES**

14 2. Plaintiff Secure Cam is a limited liability company organized under
15 the laws of the State of Wyoming and has an office and principal place of business
16 at 30 N. Gould St. STE R, Sheridan, WY 82801.

17 3. Defendant Tend Insights, Inc., is a corporation incorporated under the
18 laws of California, which has an office and principal place of business at 46567
19 Fremont Blvd, Fremont, CA 94538.

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21 **JURISDICTION AND VENUE**

22 4. This action arises under the patent laws of the United States, including
23 35 U.S.C. §§ 271 et seq., 281, and 284.

24 5. This Court has subject matter jurisdiction over this action pursuant to
25 28 U.S.C. §§ 1331 and 1338(a) because it arises under United States Patent law.

26 6. This Court has personal jurisdiction over the Defendant because, *inter*
27 *alia*, it resides in the State of California; regularly conducts business in the State of
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2 California; and continues to commit acts of patent infringement in the State of
3 California including by making, using, offering to sell, and/or selling Accused
4 Products within the State of California and this district.

5 7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b),
6 1391(c) and 1400(b). Defendant is subject to this Court’s personal jurisdiction
7 because, *inter alia*, Defendants have committed and continue to commit acts of
8 patent infringement including making, using, offering to sell, and/or selling
9 Accused Products in this district, and/or importing Accused Products into this
10 district; Defendant has a principal place of business in this judicial district, and
11 Defendant employs personnel in this judicial district.

12 **FACTS**

13 8. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,531,555
14 (“the ‘555 Patent”), entitled “Method and Apparatus for Automatically
15 Categorizing Images in a Digital Camera,” which was duly and legally issued on
16 September 10th, 2013 by the United States Patent and Trademark Office
17 (“USPTO”).

18 9. A copy of the ‘555 Patent is attached to this Complaint as **Exhibit A**.

19 10. The claims of the ‘555 Patent are valid and enforceable.

20 11. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,350,928
21 (“the ‘928 Patent”), entitled “Method and Apparatus for Automatically
22 Categorizing Images in a Digital Camera,” which was duly and legally issued on
23 January 8th, 2013 by the United States Patent and Trademark Office (“USPTO”).

24 12. A copy of the ‘928 Patent is attached to this Complaint as **Exhibit B**.

25 13. The claims of the ‘928 Patent are valid and enforceable.

26 14. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,836,819
27 (“the ‘819 Patent”), entitled “Method and Apparatus for Automatically
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2 Categorizing Images in a Digital Camera,” which was duly and legally issued on
3 September 16th, 2014 by the United States Patent and Trademark Office
4 (“USPTO”).

5 15. A copy of the ‘819 Patent is attached to this Complaint as **Exhibit C**.

6 16. The claims of the ‘819 Patent are valid and enforceable.

7 17. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,363,408
8 (“the ‘408 Patent”), entitled “Method and Apparatus for Automatically
9 Categorizing Images in a Digital Camera,” which was duly and legally issued on
10 June 7th, 2016 by the United States Patent and Trademark Office (“USPTO”).

11 18. A copy of the ‘408 Patent is attached to this Complaint as **Exhibit D**.

12 19. The claims of the ‘408 Patent are valid and enforceable.

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14 **COUNT I: CLAIM FOR PATENT INFRINGEMENT**

15 **UNDER 35 U.S.C. § 271(a) (‘555 PATENT)**

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17 20. Plaintiff hereby incorporates by reference the allegations of
18 paragraphs 1 through 19 of this Complaint as if fully set forth herein.

19 21. Claim 1 of the ‘555 Patent covers “a device, comprising a processing
20 circuit configured to automatically generate at least one tag for an image captured
21 using the device in response to analyzing data associated with the image at a time
22 of image capture, and a memory circuit configured to store the at least one tag with
23 the data to thereby categorize the image.”

24 22. Defendant manufactures, imports into the United States, offers for
25 sale, and/or sells security cameras, which infringe at least Claim 1 of the ‘555
26 Patent (hereafter “Accused Product(s)").

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2 23. Defendant’s Accused Product(s) include, without limitation the Lynx
3 Pro security camera.

4 24. A claim chart comparing Claim 1 of the ‘555 Patent to the Accused
5 Product(s) is attached as Exhibit E.

6 25. The Accused Product(s) uses facial recognition to identify known
7 persons and /or indicate presence of unidentifiable persons in the camera’s field of
8 vision. *See* Exhibit E, p. 1.

9 26. Upon information and belief, the Accused Product(s) includes a
10 processor that is configured to capture images and categorize them as known
11 persons (known persons are uploaded to the camera) and / or indicate presence of
12 unidentifiable persons. *See* Exhibit E, p. 3.

13 27. The Accused Product(s) includes internal storage for storing events
14 including captured images of known persons (known persons are uploaded to the
15 camera) and/or indicate presence of unidentifiable persons when there is no
16 internet. *See* Exhibit E, p. 4 - 5.

17 28. Each one of the elements included in the Infringing System, itemized
18 in paragraphs 25 – 27 above, is an element in Claim 1 of the ‘555 Patent.

19 29. Plaintiff has been, and will continue to be, irreparably harmed by
20 Defendant’s ongoing infringement of the ‘555 Patent.

21 30. As a direct and proximate result of Defendant’s infringement of the
22 ‘555 Patent, Plaintiff has been and will continue to be damaged in an amount yet to
23 be determined.

24 **COUNT II: CLAIM FOR PATENT INFRINGEMENT**

25 **UNDER 35 U.S.C. § 271(a) (‘928 PATENT)**

26 31. Plaintiff hereby incorporates by reference the allegations of
27 paragraphs 1 through 19 of this Complaint as if fully set forth herein.

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2 32. Claim 1 of the ‘928 Patent covers “a digital camera for automatically
3 categorizing captured image data, the digital camera comprising a processor within
4 the digital camera for capturing image data, an analysis module within the digital
5 camera coupled to the processor and configured to perform image data analysis on
6 the captured image data at the time of image capture by the digital camera and to
7 automatically generate, responsive to the preformed image data analysis, a
8 category tag for the captured image data; and a memory for storing the generated
9 category tag in association with the captured image data for categorizing the
10 captured image data.”

11 33. Defendant manufactures, imports into the United States, offers for
12 sale, and/or sells security cameras, which infringe at least Claim 1 of the ‘928
13 Patent (hereafter “Accused Product(s)”).

14 34. Defendant’s Accused Product(s) include, without limitation the Lynx
15 Pro security camera.

16 35. A claim chart comparing Claim 1 of the ‘928 Patent to the Accused
17 Product(s) is attached as Exhibit F.

18 36. The Accused Product(s) uses facial recognition technology to identify
19 known persons and /or indicate presence of unidentifiable persons in the camera’s
20 field of vision. *See* Exhibit F, p. 1.

21 37. Upon information and belief, the Accused Product(s) includes a
22 processor that is configured to capture images from the high definition camera. *See*
23 Exhibit F, p. 2.

24 38. Upon information and belief, the Accused Product(s) includes a
25 processor. The processor is configured to capture images and categorize them as
26 known persons (known persons are uploaded to the camera) and / or indicate
27 presence of unidentifiable persons. *See* Exhibit F, p. 3.

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2 39. The Accused Product(s) includes internal storage for storing events
3 including captured images of known persons (known persons are uploaded to the
4 camera) and / or indicate presence of unidentifiable persons when there is no
5 internet. *See* Exhibit F, p. 4 - 5.

6 40. Each one of the elements included in the Infringing System, itemized
7 in paragraphs 36 – 39 above, is an element in Claim 1 of the ‘928 Patent.

8 41. Plaintiff has been, and will continue to be, irreparably harmed by
9 Defendant’s ongoing infringement of the ‘928 Patent.

10 42. As a direct and proximate result of Defendant’s infringement of the
11 ‘928 Patent, Plaintiff has been and will continue to be damaged in an amount yet to
12 be determined.

13 **COUNT III: CLAIM FOR PATENT INFRINGEMENT**

14 **UNDER 35 U.S.C. § 271(a) (‘819 PATENT)**

15 43. Plaintiff hereby incorporates by reference the allegations of
16 paragraphs 1 through 19 of this Complaint as if fully set forth herein.

17 44. Claim 1 of the ‘819 Patent covers “An apparatus comprising a
18 processing device configured to detect a predetermined characteristic in an image
19 file in response to capturing an image, automatically generate at least one category
20 tag for the image file at a time of capturing the image based at least in part on the
21 predetermined characteristic, attach the at least one category tag to the image file;
22 and a memory device configured to store the image file with the attached at least
23 one category tag.”

24 45. Defendant manufactures, imports into the United States, offers for
25 sale, and/or security cameras, which infringe at least Claim 1 of the ‘819 Patent
26 (hereafter “Accused Product(s)”).

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2 46. Defendant's Accused Product(s) include, without limitation Lynx Pro
3 security camera.

4 47. A claim chart comparing Claim 1 of the '819 Patent to the Accused
5 Product(s) is attached as Exhibit G.

6 48. The Accused Product(s) uses facial recognition technology to identify
7 known persons and / or indicate presence of unidentifiable persons in the camera's
8 field of vision in the camera's field of vision. *See* Exhibit G, p. 1.

9 49. The Accused Product(s) includes a high definition camera. *See*
10 Exhibit G, p. 2.

11 50. Upon information and belief, the Accused Product(s) includes a
12 processor that is configured to capture images and categorize them as known
13 persons (known persons are uploaded to the camera) and / or indicate presence of
14 unidentifiable persons. *See* Exhibit G, p. 3.

15 51. The Accused Product(s) includes internal storage for storing events
16 including captured images of known persons (known persons are uploaded to the
17 camera) and / or indicate presence of unidentifiable persons when there is no
18 internet. *See* Exhibit G, p. 4 - 5.

19 52. Each one of the elements included in the Infringing System, itemized
20 in paragraphs 48 – 51 above, is an element in Claim 1 of the '819 Patent.

21 53. Plaintiff has been, and will continue to be, irreparably harmed by
22 Defendant's ongoing infringement of the '819 Patent.

23 54. As a direct and proximate result of Defendant's infringement of the
24 '819 Patent, Plaintiff has been and will continue to be damaged in an amount yet to
25 be determined.

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2 **COUNT IV: CLAIM FOR PATENT INFRINGEMENT**
3 **UNDER 35 U.S.C. § 271(a) ('408 PATENT)**

4 55. Plaintiff hereby incorporates by reference the allegations of
5 paragraphs 1 through 19 of this Complaint as if fully set forth herein.

6 56. Claim 1 of the '408 Patent covers “a method comprising automatically
7 generating, using a first processing device, at least one image category tag based at
8 least in part on the first processing device analyzing image data associated with an
9 image at a time of image capture, storing, in a memory device, the at least one
10 image category tag as part of an image file storing the image; and automatically
11 determining, using the first processing device or a second processing device, a
12 category for the image based at least in part on the at least one image category
13 tag.”

14 57. Defendant manufactures, imports into the United States, offers for
15 sale, and/or sells security cameras, which infringe at least Claim 1 of the '408
16 Patent (hereafter “Accused Product(s)”).

17 58. Defendant’s Accused Product(s) include, without limitation Lynx Pro
18 security camera.

19 59. A claim chart comparing Claim 1 of the '408 Patent to the Accused
20 Product(s) is attached as Exhibit H.

21 60. The Accused Product(s) uses facial recognition to identify known
22 persons and / or indicate presence of unidentifiable persons in the camera’s field of
23 vision. *See* Exhibit H, p. 1.

24 61. The Accused Product(s) includes a high definition camera. *See*
25 Exhibit H, p. 2.

26 62. Upon information and belief, the Lynx Pro security camera includes a
27 processor. The processor is configured to capture images and categorize them as
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2 known persons (known persons are uploaded to the camera) and / or indicate
3 presence of unidentifiable persons. *See* Exhibit H, p. 3.

4 63. The Accused Product(s) includes internal storage for storing events
5 including captured images of known persons (known persons are uploaded to the
6 camera) and / or indicate presence of unidentifiable persons when there is no
7 internet. *See* Exhibit H, p. 4 - 5.

8 64. Upon information and belief, the Lynx Pro security camera includes a
9 processor. The processor is configured to capture images and categorize them as
10 known persons (known persons are uploaded to the camera) and / or indicate
11 presence of unidentifiable persons. *See* Exhibit H, p. 6 - 7.

12 65. Each one of the elements included in the Infringing System, itemized
13 in paragraphs 60 – 64 above, is an element in Claim 1 of the ‘408 Patent.

14 66. Plaintiff has been, and will continue to be, irreparably harmed by
15 Defendant’s ongoing infringement of the ‘408 Patent.

16 67. As a direct and proximate result of Defendant’s infringement of the
17 ‘408 Patent, Plaintiff has been and will continue to be damaged in an amount yet to
18 be determined.

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20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff prays for relief against Defendant as follows:

22 A. In favor of Plaintiff that Defendant has infringed one or more claims
23 of the ‘555 Patent, either literally or under the doctrine of equivalents;

24 B. Requiring Defendant to pay Plaintiff its damages, costs, expenses, and
25 prejudgment and post-judgment interest for Defendant’s infringement of the ‘555
26 Patent as provided under 35 U.S.C. § 284, but not less than a reasonable royalty;
27 and

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2 C. For such other and further relief, as may be just and equitable.

3 D. Requiring Defendant to pay Plaintiff its damages, costs, expenses, and
4 pre-judgment and post-judgment interest for Defendant's infringement of the '928
5 Patent as provided under 35 U.S.C. § 284, but not less than a reasonable royalty;
6 and

7 E. For such other and further relief, as may be just and equitable.

8 F. Requiring Defendant to pay Plaintiff its damages, costs, expenses, and
9 pre-judgment and post-judgment interest for Defendant's infringement of the '819
10 Patent as provided under 35 U.S.C. § 284, but not less than a reasonable royalty;
11 and

12 G. For such other and further relief, as may be just and equitable.

13 H. Requiring Defendant to pay Plaintiff its damages, costs, expenses, and
14 pre-judgment and post-judgment interest for Defendant's infringement of the '408
15 Patent as provided under 35 U.S.C. § 284, but not less than a reasonable royalty;
16 and

17 I. For such other and further relief, as may be just and equitable.

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19 **DEMAND FOR TRIAL BY JURY**

20 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby
21 demands a jury trial on all issues and causes of action triable to a jury.

22
23 Dated: May 10, 2018

Respectfully submitted,

24
25 _____/s/ Nicholas Ranallo_____
26 Nicholas Ranallo, Attorney at Law (SBN
27 275016)
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