

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SECURE CAM, LLC,

Plaintiff,

v.

LATHEM TIME CORPORATION,

Defendant.

CIVIL ACTION FILE

NO. _____

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff SECURE CAM, LLC. (“Secure Cam” or “Plaintiff”) files this Complaint for Patent Infringement against Defendant LATHEM TIME CORPORATION (“Lathem” or “Defendant”), and states as follows:

NATURE OF THE ACTION

1. This is an action under 35 U.S.C. § 271 for infringement of United States Patent No. 8,350,928 (“the ’928 Patent”), and United States Patent No. 8,531,555 (“the ’555 Patent”).

THE PARTIES

2. Plaintiff is a limited liability company organized and existing under the laws of the State of Wyoming, having its principal office at 30 N. Gould St.

Suite R, Sheridan, WY 82801.

3. Defendant LATHEM TIME CORPORATION is a corporation organized under the laws of the State of Georgia having a principal place of business at 200 Selig Dr. SW, Atlanta, GA 30336.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 et seq., including, without limitation, 35 U.S.C. §§ 271, 281, 284, and 285. As a result, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant on the grounds that Defendant is incorporated in and maintains a principle place of business in the State of Georgia. Defendant therefore has minimum contacts with the State of Georgia, and Defendant has purposefully availed itself of the privileges of conducting business in the State of Georgia, including, upon information and belief, through the sale and offer for sale of the Accused Products throughout the State of Georgia and in this judicial district.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b) on the grounds that Defendant resides in this judicial district because Defendant is incorporated in the State of Georgia and maintains its principle place of business

and registered agent in this judicial district, and on the grounds that Defendant has a regular and established place of business in this judicial district and, upon information and belief, Defendant has committed acts of infringement in this judicial district.

FACTUAL BACKGROUND

7. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,350,928 (“the ’928 Patent”), entitled “Method and Apparatus for Automatically Categorizing Images in a Digital Camera,” which was duly and legally issued on January 8th, 2013, after a full and fair examination by the United States Patent and Trademark Office (“USPTO”).

8. A copy of the ’928 Patent is attached to this Complaint as Exhibit A, and is incorporated herein by reference.

9. The claims of the ’928 Patent are valid and enforceable.

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

11. A copy of the ’555 Patent is attached to this Complaint as Exhibit B.

12. The claims of the '555 Patent are valid and enforceable.
13. The '555 Patent is a continuation of the '928 Patent.
14. The '555 Patent and the '928 Patent (collectively, “the Patents in Suit”) share a common specification.
15. The invention claimed in the Patents in Suit relates generally to electronic data processing, and more particularly, to a system and method for the automatic analysis and categorization of images in an electronic imaging device.
16. The Patents in Suit constitute a significant improvement over prior art systems that required manual analysis and categorization of images, and failed to achieve an acceptable degree of efficiency for any significant number of captured images.
17. In general terms, the claimed electronic imaging system automatically analyzes captured images, and then responsively categorizes the analyzed images into one or more selected image groupings, thereby providing a significant improvement in efficient functionality for various contemporary electronic imaging technologies.

COUNT I – INFRINGEMENT OF THE '928 PATENT

18. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

19. Claim 1 of the '928 Patent covers:

1. A digital camera for automatically categorizing captured image data, the digital camera comprising:

a processor within the digital camera for capturing image data;

an analysis module within the digital camera coupled to the processor and configured to perform image data analysis on the captured image data at the time of image capture by the digital camera and to automatically generate, responsive to the performed image data analysis, a category tag for the captured image data; and

a memory for storing the generated category tag in association with the captured image data for categorizing the captured image data.

20. Defendant manufactures, imports into the United States, offers for sale, and/or sells products which infringe at least Claim 1 of the '928 Patent (hereafter "Accused Product(s)"), either literally or under the doctrine of equivalents.

21. Defendant's Accused Product(s) include, without limitation, Defendant's Face Recognition Time Clock, and other as-yet-unknown products with similar functionality.

22. A preliminary infringement claim chart comparing Claim 1 of the '928 Patent to the Accused Product(s) is attached as Exhibit C, and incorporated herein by reference.

23. As shown in Exhibit C, each and every element of Claim 1 of the '928 Patent is found in the Accused Product(s)”), either literally or under the doctrine of equivalents.

24. Defendant’s infringing activities are and have been without authority or license under the '928 Patent.

25. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant’s infringing acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

26. Defendant’s past and continuing infringement of the '928 Patent has irreparably harmed, and continues irreparably to harm, Plaintiff.

27. Defendant’s infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

COUNT II –INFRINGEMENT OF THE '555 PATENT

28. Plaintiff realleges and incorporates by reference the allegations set forth above, as if set forth verbatim herein.

29. Claim 1 of the '555 Patent covers:

1. A device, comprising:

a processing circuit configured to automatically generate at least one tag for an image captured using the device in

response to analyzing data associated with the image at a time of image capture; and

a memory circuit configured to store the at least one tag with the data to thereby categorize the image.

30. Defendant manufactures, imports into the United States, offers for sale, and/or sells products which infringe at least Claim 1 of the '555 Patent (hereafter "Accused Product(s)"), either literally or under the doctrine of equivalents.

31. Defendant's Accused Product(s) include, without limitation, Defendant's Face Recognition Time Clock, and other as-yet-unknown products with similar functionality.

32. A preliminary infringement claim chart comparing Claim 1 of the '555 Patent to the Accused Product(s) is attached as Exhibit D, and incorporated herein by reference.

33. As shown in Exhibit D, each and every element of Claim 1 of the '555 Patent is found in the Accused Product(s)), either literally or under the doctrine of equivalents.

34. Defendant's infringing activities are and have been without authority or license under the '555 Patent.

35. Plaintiff is entitled to recover from Defendant the damages sustained

by Plaintiff as a result of Defendant's infringing acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

36. Defendant's past and continuing infringement of the '555 Patent has irreparably harmed, and continues irreparably to harm, Plaintiff.

37. Defendant's infringing activities will continue unless enjoined by this Court pursuant to 35 U.S.C. § 283.

JURY DEMAND

38. Plaintiff hereby demands a trial by jury of all issues so triable pursuant to Fed. R. Civ. P. 38.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the '928 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- B. An adjudication that one or more claims of the '555 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;

- C. A permanent injunction pursuant to 35 U.S.C. § 283, enjoining Defendant from further acts of infringement with respect to the claims of the '928 and '555 Patents;
- D. An accounting and an award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement, but not less than a reasonable royalty, together with pre-judgment and post-judgment interest and costs pursuant to 35 U.S.C. § 284; and
- E. Any further relief that this Court deems just and proper.

This 30th day of May, 2018.

KENT & RISLEY LLC

/s/Daniel A. Kent

Daniel A. Kent

dankent@kentrisley.com

Tel: (404) 585-4214

Fax: (404) 829-2412

Stephen R. Risley

steverisley@kentrisley.com

Tel: (404) 585-2101

Fax: (404) 389-9402

KENT & RISLEY LLC

5755 N Point Pkwy Ste 57

Alpharetta, GA 30022

Attorneys for Plaintiff