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19 ATTORNEYS FOR PLAINTIFF

20 *Secure Cam, LLC*

21 **IN THE UNITED STATES DISTRICT COURT**

22 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

23 SECURE CAM, LLC, A WYOMING
24 LIMITED LIABILITY COMPANY

25 PLAINTIFF,

26 vs.

27 AMG EMPLOYEE MANAGEMENT,
28 INC., A CALIFORNIA
CORPORATION,

DEFENDANT.

Civil Action No.: 2:18-cv-7324

**COMPLAINT FOR PATENT
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

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 Plaintiff Secure Cam, LLC, (“Secure Cam” or “Plaintiff”), by and through its
3 undersigned counsel, for its Complaint against Defendant AMG Employee Management,
4 Inc., (“AMG” or “Defendant”) makes the following allegations, which are made upon
5 information and belief:

6 **NATURE OF THE ACTION**

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

11 **PARTIES**

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

15 3. Defendant AMG Employee Management, Inc., is a corporation incorporated
16 under the laws of California, which has an office and principal place of business at 3235
17 San Fernando Road, 1D, Los Angeles, CA 90065.

18 **JURISDICTION AND VENUE**

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

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

23 6. This Court has personal jurisdiction over the Defendant because, *inter alia*,
24 it resides in the State of California; regularly conducts business in the State of California;
25 and continues to commit acts of patent infringement in the State of California including
26 by making, using, offering to sell, and/or selling products which infringe the ‘555 Patent,
27 the ‘928 Patent, the ‘819 Patent and the ‘408 Patent (collectively, the “Accused
28 Product(s)”), within the State of California and this district.

1 7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and
2 1400(b). Defendant is subject to this Court’s personal jurisdiction because, *inter alia*,
3 Defendants have committed and continue to commit acts of patent infringement including
4 making, using, offering to sell, and/or selling the Accused Product(s) in this district,
5 and/or importing the Accused Product(s) into this district; Defendant has a principal place
6 of business in this judicial district, and Defendant employs personnel in this judicial
7 district.

8 **FACTS**

9 8. Plaintiff is the owner, by assignment, of the ‘555 Patent, entitled “Method
10 and Apparatus for Automatically Categorizing Images in a Digital Camera,” which was
11 duly and legally issued on September 10, 2013 by the United States Patent and Trademark
12 Office (“USPTO”).

13 9. A copy of the ‘555 Patent is attached to this Complaint as Exhibit A, which
14 is incorporated herein by this reference.

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

16 11. Plaintiff is the owner, by assignment, of the ‘928 Patent, entitled “Method
17 and Apparatus for Automatically Categorizing Images in a Digital Camera,” which was
18 duly and legally issued on January 8, 2013 by the USPTO.

19 12. A copy of the ‘928 Patent is attached to this Complaint as Exhibit B, which
20 is incorporated herein by this reference.

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

22 14. Plaintiff is the owner, by assignment, of the ‘819 Patent, entitled “Method
23 and Apparatus for Automatically Categorizing Images in a Digital Camera,” which was
24 duly and legally issued on January 8, 2013 by the USPTO.

25 15. A copy of the ‘819 Patent is attached to this Complaint as Exhibit C, which
26 is incorporated herein by this reference.

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

28

1 17. Plaintiff is the owner, by assignment, of the ‘408 Patent entitled “Method
2 and Apparatus for Automatically Categorizing Images in a Digital Camera,” which was
3 duly and legally issued on June 7, 2016 by the USPTO.

4 18. A copy of the ‘408 Patent is attached to this Complaint as Exhibit D, which
5 is incorporated herein by this reference.

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

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

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

9 20. Plaintiff hereby repeats and incorporates by reference the allegations of
10 paragraphs 1 through 19 of this Complaint as if fully set forth herein.

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

16 22. Defendant manufactures, imports into the United States, offers for sale,
17 and/or sells face recognition readers, including the Accused Product(s), which infringe at
18 least Claim 1 of the ‘555 Patent.

19 23. The Accused Product(s) include, without limitation Mobile Ready Face
20 Recognition and Fingerprint Reader, Face Recognition Technology Proximity Reader
21 WiFi, Face Recognition Technology HID Card Reader WiFi, Mobile Ready Face
22 Recognition Technology Proximity Reader, FR2000 Face Recognition Technology, and
23 FR2000 Face Recognition Technology WiFi.

24 24. A claim chart comparing Claim 1 of the ‘555 Patent to the Accused
25 Product(s) is attached as Exhibit E, which is incorporated herein by this reference.

26 25. The Accused Product(s) includes a face recognition terminal that uses face
27 recognition to document time and attendance of employees. See Exhibit E, p. 1.
28

1 26. The Accused Product(s) includes a face recognition terminal that captures
2 the face of the person standing in front of the camera and compares it to stored faces to
3 identify the person instantly. See Exhibit E, p. 1.

4 27. The Accused Product(s) includes memory that stores up to 400
5 employee/user faces. See Exhibit E, p. 2.

6 28. Each one of the elements included in the Accused Product(s), itemized in
7 paragraphs 25 – 27 above, is an element in Claim 1 of the ‘555 Patent.

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

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

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

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

15 31. Plaintiff hereby repeats and incorporates by reference the allegations of
16 paragraphs 1 through 30 of this Complaint as if fully set forth herein.

17 32. Claim 1 of the ‘928 Patent covers “[a] digital camera for automatically
18 categorizing captured image data, the digital camera comprising a processor within the
19 digital camera for capturing image data, an analysis module within the digital camera
20 coupled to the processor and configured to perform image data analysis on the captured
21 image data at the time of image capture by the digital camera and to automatically
22 generate, responsive to the preformed image data analysis, a category tag for the captured
23 image data; and a memory for storing the generated category tag in association with the
24 captured image data for categorizing the captured image data.”

25 33. Defendant manufactures, imports into the United States, offers for sale,
26 and/or sells face recognition readers, including the Accused Product(s), which infringe at
27 least Claim 1 of the ‘928 Patent.

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1 34. The Accused Product(s) include, without limitation Mobile Ready Face
2 Recognition and Fingerprint Reader, Face Recognition Technology Proximity Reader
3 WiFi, Face Recognition Technology HID Card Reader WiFi, Mobile Ready Face
4 Recognition Technology Proximity Reader, FR2000 Face Recognition Technology, and
5 FR2000 Face Recognition Technology WiFi.

6 35. A claim chart comparing Claim 1 of the '928 Patent to the Accused
7 Product(s) is attached as Exhibit F, which is incorporated herein by this reference.

8 36. The Accused Product(s) includes a face recognition terminal that uses face
9 recognition to document time and attendance of employees. See Exhibit F, p. 1.

10 37. The Accused Product(s) includes a face recognition terminal that captures
11 the face of the person standing in front of the camera. See Exhibit F, p. 2.

12 38. The Accused Product(s) includes face recognition technology that compares
13 the captured image of the face of the person standing in front of the camera to stored faces
14 to identify the person instantly. See Exhibit F, p. 3.

15 39. The Accused Product(s) includes memory that stores up to 400
16 employee/user faces. See Exhibit F, p. 3.

17 40. Each one of the elements included in the Accused Product(s), itemized in
18 paragraphs 36 – 39 above, is an element in Claim 1 of the '928 Patent.

19 41. Plaintiff has been, and will continue to be, irreparably harmed by
20 Defendant's ongoing infringement of the '928 Patent.

21 42. As a direct and proximate result of Defendant's infringement of the '928
22 Patent, Plaintiff has been and will continue to be damaged in an amount yet to be
23 determined.

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

25 **UNDER 35 U.S.C. § 271(a) (THE '819 PATENT)**

26 43. Plaintiff hereby repeats and incorporates by reference the allegations of
27 paragraphs 1 through 42 of this Complaint as if fully set forth herein.
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1 44. Claim 1 of the ‘819 Patent covers “[a]n apparatus comprising a processing
2 device configured to detect a predetermined characteristic in an image file in response to
3 capturing an image, automatically generate at least one category tag for the image file at
4 a time of capturing the image based at least in part on the predetermined characteristic,
5 attach the at least one category tag to the image file; and a memory device configured to
6 store the image file with the attached at least one category tag.”

7 45. Defendant manufactures, imports into the United States, offers for sale,
8 and/or sells face recognition readers, including the Accused Product(s), which infringe at
9 least Claim 1 of the ‘819 Patent.

10 46. The Accused Product(s) include, without limitation Mobile Ready Face
11 Recognition and Fingerprint Reader, Face Recognition Technology Proximity Reader
12 WiFi, Face Recognition Technology HID Card Reader WiFi, Mobile Ready Face
13 Recognition Technology Proximity Reader, FR2000 Face Recognition Technology, and
14 FR2000 Face Recognition Technology WiFi.

15 47. A claim chart comparing Claim 1 of the ‘819 Patent to the Accused
16 Product(s) is attached as Exhibit G, which is incorporated herein by this reference.

17 48. The Accused Product(s) includes a face recognition terminal that uses face
18 recognition to document time and attendance of employees. See Exhibit G, p. 1.

19 49. The Accused Product(s) includes a face recognition terminal that captures
20 the face of the person standing in front of the camera automatically when it detects the
21 presence of a face in front of the camera. See Exhibit G, p. 2.

22 50. The Accused Product(s) includes face recognition technology that compares
23 the captured image of the face of the person standing in front of the camera to stored faces
24 to identify the person instantly. See Exhibit G, p. 2.

25 51. The Accused Product(s) includes memory that stores up to 400
26 employee/user faces. See Exhibit G, p. 2.

27 52. Each one of the elements included in the Accused Products, itemized in
28 paragraphs 48 – 51 above, is an element in Claim 1 of the ‘819 Patent.

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

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

6 **COUNT IV: CLAIM FOR PATENT INFRINGEMENT**

7 **UNDER 35 U.S.C. § 271(a) (THE '408 PATENT)**

8 55. Plaintiff hereby repeats and incorporates by reference the allegations of
9 paragraphs 1 through 54 of this Complaint as if fully set forth herein.

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

17 57. Defendant manufactures, imports into the United States, offers for sale,
18 and/or sells face recognition readers, including the Accused Product(s), which infringe at
19 least Claim 1 of the '408 Patent.

20 58. The Accused Product(s) include, without limitation Mobile Ready Face
21 Recognition and Fingerprint Reader, Face Recognition Technology Proximity Reader
22 WiFi, Face Recognition Technology HID Card Reader WiFi, Mobile Ready Face
23 Recognition Technology Proximity Reader, FR2000 Face Recognition Technology, and
24 FR2000 Face Recognition Technology WiFi.

25 59. A claim chart comparing Claim 1 of the '408 Patent to the Accused
26 Product(s) is attached as Exhibit H, which is incorporated herein by this reference.

27 60. The Accused Product(s) includes a face recognition terminal that uses face
28 recognition to document time and attendance of employees. See Exhibit H, p. 1.

1 61. The Accused Product(s) includes a face recognition terminal that captures
 2 the face of the person standing in front of the camera automatically when it detects the
 3 presence of a face in front of the camera. See Exhibit H, p. 2.

4 62. The Accused Product(s) includes face recognition technology that compares
 5 the captured image of the face of the person standing in front of the camera to stored faces
 6 to identify the person instantly. See Exhibit H, p. 2.

7 63. The Accused Product(s) includes memory that stores up to 400
 8 employee/user faces. See Exhibit H, p. 2.

9 64. The Accused Product(s) includes face recognition technology that compares
 10 the captured image of the face of the person standing in front of the camera to stored faces
 11 to identify the person instantly. See Exhibit E, p. 3.

12 65. Each one of the elements included in the Accused Product(s), itemized in
 13 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 ‘408
 17 Patent, Plaintiff has been and will continue to be damaged in an amount yet to be
 18 determined.

19 **PRAYER FOR RELIEF**

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

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

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

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

27 D. In favor of Plaintiff that Defendant has infringed one or more claims of the
 28 ‘928 Patent, either literally or under the doctrine of equivalents;

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

4 F. For such other and further relief, as may be just and equitable.

5 G. In favor of Plaintiff that Defendant has infringed one or more claims of the
6 '819 Patent, either literally or under the doctrine of equivalents;

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

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

11 J. In favor of Plaintiff that Defendant has infringed one or more claims of the
12 '408 Patent, either literally or under the doctrine of equivalents;

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

16 L. For such other and further relief, as may be just and equitable.

17 Date: August 17, 2018

LEECH TISHMAN FUSCALDO & LAMPL

18 By: /s/Christopher Gonzalez
19 DOUGLAS H. MORSEBURG, ESQ.
20 CHRISTOPHER GONZALEZ, ESQ.
21 TODD Y. BRANDT, ESQ.
22 ATTORNEYS FOR PLAINTIFF
23 *Secure Cam, LLC*
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DEMAND FOR TRIAL BY JURY

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

Date: August 17, 2018

LEECH TISHMAN FUSCALDO & LAMPL

By: /s/Christopher Gonzalez
DOUGLAS H. MORSEBURG, ESQ.
CHRISTOPHER GONZALEZ, ESQ.
TODD Y. BRANDT, ESQ.
ATTORNEYS FOR PLAINTIFF
Secure Cam, LLC

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