

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

MONUMENT PEAK VENTURES, LLC,

Plaintiff,

v.

SAKAR INTERNATIONAL, INC.,

Defendant.

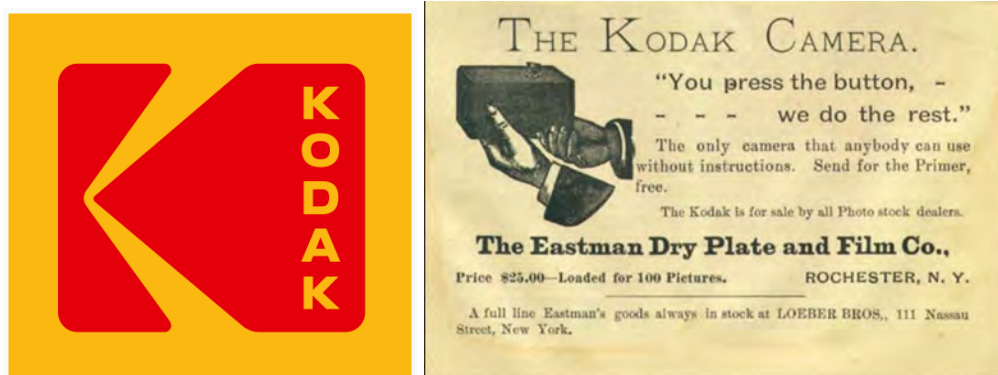
CASE NO. 1:19-cv-01890

**COMPLAINT AND JURY DEMAND**

Plaintiff Monument Peak Ventures, LLC (“MPV”), by and through the undersigned counsel, hereby brings this action and makes the following allegations of patent infringement relating to U.S. Patent Nos. 8,750,674 (the “’674 patent”) and 6,282,317 (the “’317 patent”) (collectively the “Asserted Patents”) against Defendant Sakar International, Inc. (“Sakar”) and alleges as follows upon actual knowledge with respect to itself and its own acts, and upon information and belief as to all other matters.

**The Asserted Patents Come From the Iconic Kodak Patent Portfolio**

1. The Asserted Patents claim inventions born from the ingenuity of the Eastman Kodak Company (“Kodak”), an iconic American imaging technology company that dates back to the late 1800s. The first model of a Kodak camera was released in 1888.



2. In 1935 Kodak introduced “Kodachrome,” a color reversal stock for movie and slide film. In 1963 Kodak introduced the Instamatic camera, an easy-to-load point-and-shoot camera.



3. By 1976 Kodak was responsible for 90% of the photographic film and 85% of the cameras sold in the United States.

4. At the peak of its domination of the camera industry, Kodak invented the first self-contained digital camera in 1975.

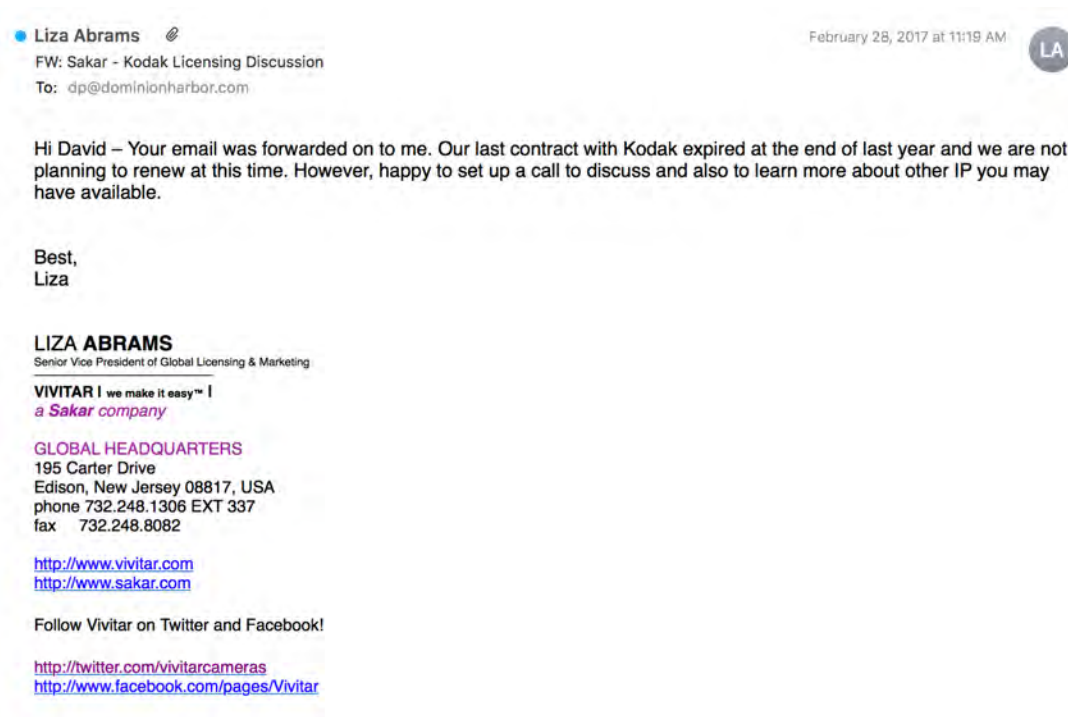


5. By 1986 Kodak had created the first megapixel sensor that was capable of recording 1,400,000 pixels. While innovating in the digital imaging space Kodak developed an immense patent portfolio and extensively licensed its technology in the space. For example, in 2010, Kodak received \$838,000,000 in patent licensing revenue. As part of a reorganization of its business, Kodak sold many of its patents to some of the biggest names in technology that

included Google, Facebook, Amazon, Microsoft, Samsung, Adobe Systems, HTC and others for \$525,000,000.

6. While scores of digital imaging companies have paid to license the Kodak patent portfolio owned by MPV, Sakar has refused to do so without justification. The scores of digital imaging companies that have paid significant sums to license the Kodak patent portfolio includes Sakar. Sakar previously took a license to the Kodak patent portfolio and Sakar's license has expired. Rather than renew its license, Sakar has decided to infringe and take technology rather than paying for it. This is improper.

7. Sakar's refusal to license the Kodak patent portfolio is particularly egregious and its infringement of the patents willful because Sakar previously licensed the portfolio and then—when its license expired—declared it would not renew its license and provided no reason why:



**NATURE OF THE ACTION**

8. This is an action for patent infringement. MPV alleges that Sakar has infringed and/or is infringing one or more of the '674 patent and the '317 patent, copies of which are attached as Exhibits A-B, respectively.

9. On or about February 28, 2017, MPV, a technology licensing company, first contacted Sakar regarding the Asserted Patents and other patents in the portfolio. MPV's communications highlighted that Sakar would benefit from a license to the portfolio and expressed its willingness to offer Sakar a license to the iconic Kodak portfolio outside of litigation. Since MPV acquired the Kodak portfolio it has successfully licensed several companies without resorting to litigation and has successfully licensed during litigation when required. Consistent with MPV's overall strategy to use litigation only as a last resort, from the time that MPV first contacted Sakar until the present MPV and Sakar had numerous communications and several meetings but Sakar was unwilling to license the Asserted Patents. When it became clear that Sakar was unwilling to take a license, MPV decided to file suit on a subset of the MPV patents infringed by Sakar.

10. On or about August 2, 2018, MPV informed Sakar of its infringement through a data room that included a full list of all patents owned by MPV and evidence of use presentations detailing infringement by Sakar. The data room has been accessible to Sakar for months and remains accessible to Sakar as of the filing of the complaint.

11. MPV alleges that Sakar directly and indirectly infringes and/or has infringed the Asserted Patents by making, using, offering for sale, selling, and/or importing various models of cameras and drones. MPV seeks damages and other relief for Sakar's infringement of the Asserted Patents.

#### **THE PARTIES**

12. Plaintiff MPV is a Texas limited liability company with its principal place of business in Plano, Texas.

13. Upon information and belief, Sakar is a New York corporation with regular and established places of business in New York and New Jersey.

**JURISDICTION AND VENUE**

14. This action for patent infringement arises under the Patent Laws of the United States, 35 U.S.C. § 1 et. seq. This Court has original jurisdiction under 28 U.S.C. §§ 1331 and 1338.

15. This Court has both general and specific personal jurisdiction over Sakar because Sakar has committed acts within this District giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over Sakar would not offend traditional notions of fair play and substantial justice. Sakar, directly and through subsidiaries and intermediaries (including distributors, retailers, franchisees and others), has committed and continues to commit acts of infringement in this District by, among other things, making, using, testing, selling, importing, and/or offering for sale products that infringe the Asserted Patents.

16. Venue is proper in this District and division under 28 U.S.C. §§1391(b)-(d) and 1400(b) because Sakar transacts business in this District and has committed and continues to commit acts of direct and indirect infringement in this District and has a regular and established place of business in this District.

**COUNT I**  
**INFRINGEMENT OF THE '674 PATENT**

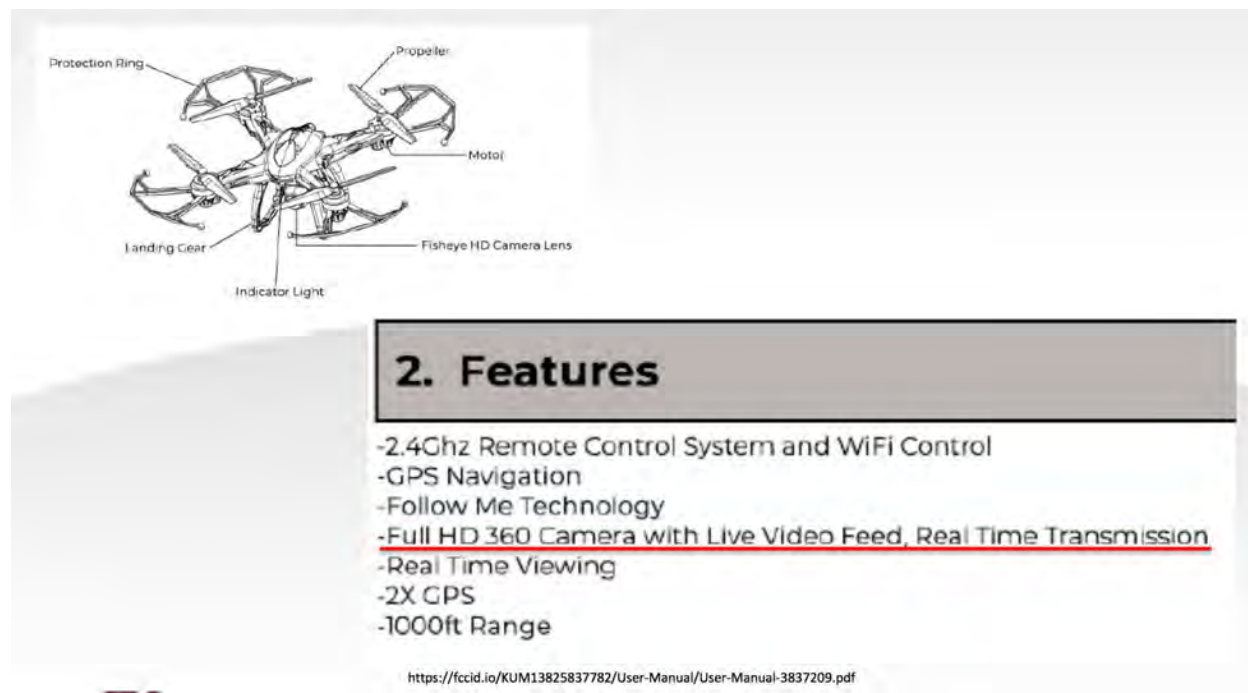
17. The allegations of paragraphs 1-16 of this Complaint are incorporated by reference as though fully set forth herein.

18. MPV owns by assignment the entire right, title, and interest in the '674 patent.

19. The '674 patent was issued by the United States Patent and Trademark Office on June 10, 2014 and is titled "Remotely Controllable Digital Video Camera System." A true and correct copy of the '674 patent is attached as Exhibit A.

20. Upon information and belief, Sakar has directly infringed at least claim 20 of the '674 patent by making, using, testing, selling, offering for sale, importing and/or licensing in the United States without authority devices such as Vivitar SkyView, Skye View and Air Defender drones (collectively "the Accused Infringing Devices") in an exemplary manner as described below.

21. The Accused Infringing Devices perform a method of capturing a digital video signal using an image sensor of an image recording unit.



22. The Accused Infringing Devices form an image of a scene onto an image sensor.

## About This Item

**We aim to show you accurate product information.** Manufacturers, suppliers and others provide what you see here, and we have not verified it. [See our disclaimer](#)

With a full HD 360 degree camera, auto hover, GPS and follow me technology this drone is perfect for capturing all your air to ground adventures! Vivitar 360 Skeye View Video Drone, with a 2.4 Ghz remote control system and wi-fi app control. The drone flips in 4 directions and has GPS navigation so you never loose it! With follow me technology, a full HD 360 degree camera with live feed real-time transmission using your smartphone with iOS or Android app, Auto take off and landing controls, and 1000 ft range.

<https://www.walmart.com/ip/Vivitar-360-Skeye-View-Video-Drone-nbsp/984549994>



23. The Accused Infringing Devices wirelessly receive a digital video signal from the image recording unit.

## About This Item

**We aim to show you accurate product information.** Manufacturers, suppliers and others provide what you see here, and we have not verified it. [See our disclaimer](#)

With a full HD 360 degree camera, auto hover, GPS and follow me technology this drone is perfect for capturing all your air to ground adventures! Vivitar 360 Skeye View Video Drone, with a 2.4 Ghz remote control system and wi-fi app control. The drone flips in 4 directions and has GPS navigation so you never loose it! With follow me technology, a full HD 360 degree camera with live feed real-time transmission using your smartphone with iOS or Android app, Auto take off and landing controls, and 1000 ft range.

<https://www.walmart.com/ip/Vivitar-360-Skeye-View-Video-Drone-nbsp/984549994>

24. The Accused Infringing Devices' wireless receiving comprises wireless communications between a first wireless communications system and a second wireless communications system. For example, the Accused Infringing Devices wirelessly connect to a user's smartphone via an app provided by Sakar.

### 3. Using Wifi to Connect the Drone to Your Phone

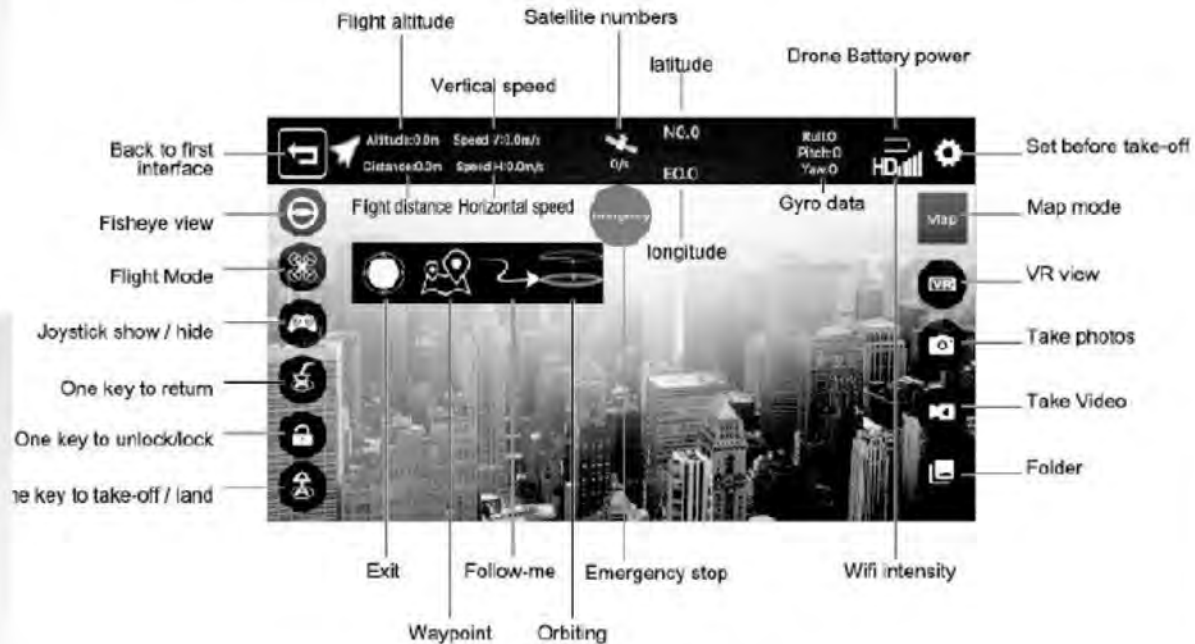
- Power on your drone. LED lights will illuminate to indicate that it is powered on.
- On your mobile phone, find the Wifi Settings menu. Select the network labeled SKEYE WiFi-xxxxxx in order to sync your drone with your phone.
- Open the Vivitar SkyEYView application on your phone. Press the "TAKE OFF" option on the menu screen in order to open the control interface.



<https://fccid.io/KUM13825837782/User-Manual/User-Manual-3837209.pdf>

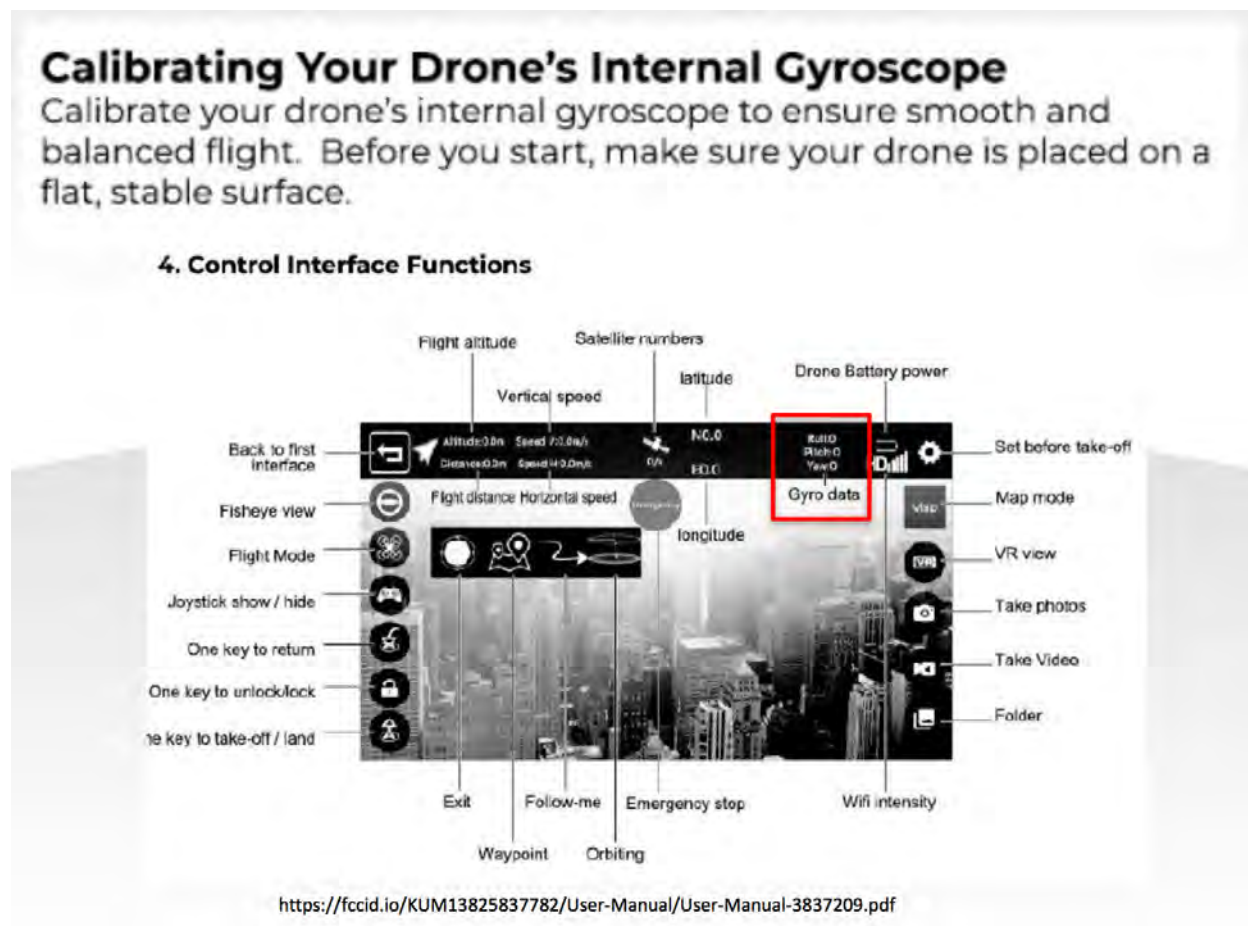
25. The Accused Infringing Devices display the received digital video signal on an image display. For example, the video signal from the drone is displayed on the user's smartphone via an app provided by Sakar.

### 4. Control Interface Functions



<https://fccid.io/KUM13825837782/User-Manual/User-Manual-3837209.pdf>

26. The Accused Infringing Devices detect an orientation of the image recording unit using an orientation sensor. For example, the Accused Infringing Devices use an orientation sensor of the image recording unit.



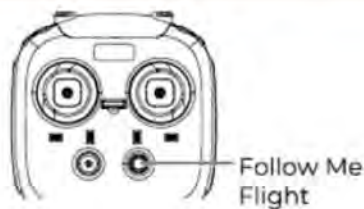
27. The Accused Infringing Devices wirelessly send a signal to the image recording unit to control a controllable tilting mechanism of the image recording unit thereby adjusting a pointing direction of the optical system in response to detecting a change in the orientation of the image recording unit. For example, the apps for the Accused Infringing Devices send a wireless signal to the drone to adjust the point of direction of the optical system in the “Follow Me” mode.

## 16. Follow Me Flight Mode

When your remote control and your drone receive GPS signal, press the follow me flight button on the remote control, and your drone will automatically fly towards the remote control and follow it as it moves around.

When in follow me flight mode, the drone will stay between 4-20 meters of your remote control. Push the directional control stick forward to move the drone further from the remote control. Pull it back to bring the drone closer to the remote control. If the drone gets closer than 4 meters to the remote control, or further than 20 meters away, then press the follow me flight button again to bring your drone back in range.

Follow me flight mode can be used with both your remote control or your phone. If you are using both together, your drone will stay within range of your remote control



<https://fccid.io/KUM13825837782/User-Manual/User-Manual-3837209.pdf>



<https://www.youtube.com/watch?v=mFICJ00j158>

28. The Accused Infringing Devices store the received digital video signal in a digital media file. For example, the Accused Products store the received digital video in a digital media file using the app provided by Sakar.



Tap "Photos and Videos" to view photos and videos recorded with your drone's camera.

<https://fccid.io/KUM13825837782/User-Manual/User-Manual-3837209.pdf>

29. Sakar has thus infringed and continues to infringe at least claim 20 of the '674 patent by making, using, testing, selling, offering for sale, importing and/or licensing the Accused Infringing Devices, and operating them such that all steps of at least claim 20 are performed.

30. The users, customers, agents and/or other third parties (collectively, "third-party infringers") infringe, including under 35 U.S.C. § 271(a), at least claim 20 of the '674 patent by using the Accused Infringing Devices.

31. Sakar has, since at least no later than August 2, 2018, known or been willfully blind to the fact that the third-party infringers' use of the Accused Infringing Devices directly infringes the '674 patent.

32. Sakar's knowledge of the '674 patent, which covers operating the Accused Infringing Devices in their intended manner and such that all limitations of at least claim 20 of the '674 patent are met, made it known to Sakar that the third-party infringers' use of the Accused Infringing Devices would directly infringe the '674 patent, or, at the very least, render Sakar willfully blind to such infringement.

33. Having known or been willfully blind to the fact that the third-party infringers' use of the Accused Infringing Devices in their intended manner and such that all limitations of at least claim 20 of the '674 patent are met would directly infringe the '674 patent, Sakar, upon information and belief, actively encouraged the third-party infringers to directly infringe the '674 patent by making, using, testing, selling, offering for sale, importing and/or licensing said Accused Infringing Devices, and by, for example, marketing the Accused Infringing Devices to the third-party infringers; supporting and managing the third-party infringers' continued use of the Accused Infringing Devices; and providing technical assistance to the third-party infringers during their continued use of the Accused Infringing Devices. *See, e.g.,* [www.vivitar.com/](http://www.vivitar.com/), <http://www.vivitar.com/support>, <http://www.vivitar.com/product/111/digital-imaging/80/skyview-drone>.

34. Sakar induced the third-party infringers to infringe at least claim 20 of the '674 patent by directing or encouraging them to operate the Accused Infringing Devices which, alone or in combination with the third-party infringers' devices, satisfy all limitations of claim 20 of the '674 patent. For example, Sakar advertised and promoted the features of the Accused Infringing Devices and encouraged the third-party infringers to operate the Accused Infringing Devices in an infringing manner. Sakar further provided technical assistance as to how the Accused Infringing Devices should be used by the third-party infringers. *See, e.g.,* [www.vivitar.com/](http://www.vivitar.com/), <http://www.vivitar.com/support>, <http://www.vivitar.com/product/111/digital-imaging/80/skyview-drone>.

35. In response, the third-party infringers acquired and operated the Accused Infringing Devices such that all limitations of claim 20 of the '674 patent are practiced.

36. Thus, Sakar has specifically intended to induce, and has induced, the third-party infringers to infringe at least claim 20 of the '674 patent, and Sakar has known of or been

willfully blind to such infringement. Sakar has advised, encouraged, and/or aided the third-party infringers to engage in direct infringement, including through its encouragement, advice, and assistance to the third-party infringers to use the Accused Infringing Devices.

37. Based on, among other things, the foregoing facts, Sakar has induced, and continues to induce, infringement under 35 U.S.C. § 271(b) of at least claim 20 of the '674 patent.

38. Further, Sakar sold, provided and/or licensed to the third-party infringers Accused Infringing Devices that are especially made and adapted—and specifically intended by Sakar—to be used as components and material parts of the inventions covered by the '674 patent. For example, Sakar provides drone camera hardware and software which the third-party infringers use in a manner such that all limitations of at least claim 20 of the '674 patent are met, and without which the third-party infringers would be unable to use and avail themselves of the Accused Infringing Devices in their intended manner.

39. Upon information and belief, Sakar also knew that the Accused Infringing Devices operate in a manner that satisfies all limitations of at least claim 20 of the '674 patent.

40. The drone camera technology in the Accused Infringing Devices is specially made and adapted to infringe at least claim 20 of the '674 patent. Upon information and belief, the drone camera technology in the Accused Infringing Devices is not a staple article or commodity of commerce, and, because the functionality is designed to work with the Accused Infringing Devices solely in a manner that is covered by the '674 patent, it does not have a substantial non-infringing use. At least by no later than August 2, 2018 based on the foregoing facts, Sakar has known or been willfully blind to the fact that such functionality is especially made and adapted for—and is in fact used in—the Accused Infringing Devices in a manner that is covered by the '674 patent.

41. Based on, among other things, the foregoing facts, Sakar has contributorily infringed at least claim 20 of the '674 patent under 35 U.S.C. § 271(c).

42. Sakar's acts of infringement of the '674 patent have been willful and intentional under the standard of *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 136 S. Ct. 1923 (2016). Since at least August 2, 2018, Sakar has willfully infringed the '674 patent by refusing to take a license and continuing the foregoing infringement. Instead of taking a license to the '674 patent, Sakar made the business decision to "efficiently infringe" the '674 patent. In doing so, Sakar willfully infringes the '674 patent.

43. Sakar's acts of direct and indirect infringement have caused damage to MPV, and MPV is entitled to recover damages sustained as a result of Sakar's wrongful acts in an amount subject to proof at trial.

**COUNT II**  
**INFRINGEMENT OF THE '317 PATENT**

44. The allegations of paragraphs 1-16 of this Complaint are incorporated by reference as though fully set forth herein.

45. MPV owns by assignment the entire right, title, and interest in the '317 patent.

46. The '317 patent was issued by the United States Patent and Trademark Office on August 28, 2001 and is titled "Method and Automatic Determination of Main Subjects in Photographic Images." A true and correct copy of the '317 patent is attached as Exhibit B.

47. Upon information and belief, Sakar has directly infringed at least claim 1 of the '317 patent by making, using, testing, selling, offering for sale, importing and/or licensing in the United States without authority devices such as Vivitar VX028 iTwist Digital Camera (collectively the "Accused Infringing Devices") in an exemplary manner as described below.



48. The Accused Infringing Devices practice a method of detecting the main subject in an image. Sakar manufactures and sells the Accused Infringing Devices, which perform a method of detecting the main subject in an image (e.g., a face).

**VIVICAM X028**  
**DIGITAL CAMERA**

The Vivitar VX028 iTwist™ Digital Camera is packed with technology's hottest features. It has a whopping 10.1Megapixels, large 2.4" preview screen, 180 degree swivel display, 4x digital zoom, takes High Definition photos, anti-shake,smile/face detection and an auto flash. The VX028 takes 10.1 MP crisp HD resolution images. These images can be increased into large size prints with virtually no loss of image quality. It can also take video clips in HD. It comes with a large 2.4" preview screen so that the image is as clear viewing the screen as looking directly at what is being photographed. This screen also has a 180 degree swivel feature which lets you take a picture of yourself and actually be able to see what you are photographing. It has built in anti-shake for image stability , smile and face detection, and auto-flash for better pictures. This camera takes amazing pictures and is easy to carry around.



<http://www.vivitar.com/product/117/archive/576/vivicam-x028>

49. The Accused Infringing Devices receive digital images. For example, the Accused Infringing Devices receive an image as shown on the display below.


**VIVICAM X028**  
**DIGITAL CAMERA**

The Vivitar VX028 iTwist™ Digital Camera is packed with technology's hottest features. It has a whopping 10.1Megapixels, large 2.4" preview screen, 180 degree swivel display, 4x digital zoom, takes High Definition photos, anti-shake,smile/face detection and an auto flash. The VX028 takes 10.1 MP crisp HD resolution images. These images can be increased into large size prints with virtually no loss of image quality. It can also take video clips in HD. It comes with a large 2.4" preview screen so that the image is as clear viewing the screen as looking directly at what is being photographed. This screen also has a 180 degree swivel feature which lets you take a picture of yourself and actually be able to see what you are photographing. It has built in anti-shake for image stability , smile and face detection, and auto-flash for better pictures. This camera takes amazing pictures and is easy to carry around.



<http://www.vivitar.com/product/117/archive/576/vivicam-x028>

50. The Accused Infringing Devices extract regions of arbitrary shape and size defined by actual objects from the digital image, e.g., via their face detection algorithm.


**Face Detect Menu** 

The Face Detect feature when set to 'On' allows the camera to use a subject's face as the basis for balancing the other colors and focus in the camera's display. This feature is meant to ensure that the color and focus of your pictures will be consistently sharp and high-quality.

- **Distance from the camera** – *The subject's face must be no further than 8 to 9 feet (3.5 meters) from the camera and the face must cover at least 20% (1 / 5th) of the picture as 'seen' on the LCD screen.*

[http://www.vivitar.com/files\\_products/576/ViviCam\\_X028\\_Camera\\_Manual.pdf](http://www.vivitar.com/files_products/576/ViviCam_X028_Camera_Manual.pdf)

51. The Accused Infringing Devices extract for each of the regions at least one structural saliency feature and at least one semantic saliency feature. For example, the Accused Infringing Devices' face detection algorithm extracts from each face candidate region at least one structural saliency feature (e.g., low-level vision or geometric feature, such as shape, size or location) and at least one semantic saliency feature (e.g., attributes specific to key subject matter, such as flesh of a person).

**Face Detect Menu** 

The Face Detect feature when set to 'On' allows the camera to use a subject's face as the basis for balancing the other colors and focus in the camera's display. This feature is meant to ensure that the color and focus of your pictures will be consistently sharp and high-quality.

- **Facing the camera** - *The face of the subject(s) you are photographing must be facing the camera and must hold the pose for at least 4 to 5 seconds until the green square(s) appears around the subject's face.*

Face Detect will not work with a side shot of the subject's head.

- **Distance from the camera** – *The subject's face must be no further than 8 to 9 feet (3.5 meters) from the camera and the face must cover at least 20% (1 / 5th) of the picture as 'seen' on the LCD screen.*

[http://www.vivitar.com/files\\_products/576/ViviCam\\_X028\\_Camera\\_Manual.pdf](http://www.vivitar.com/files_products/576/ViviCam_X028_Camera_Manual.pdf)

52. The Accused Infringing Devices integrate the structural saliency feature and the semantic feature using a probabilistic reasoning engine into an estimate of a belief that each region is the main subject. The Accused Infringing Devices' face detection algorithm integrates the structural saliency feature and the semantic feature to determine a probability (or confidence) that a particular region is the main subject or primary photographic subject. A sufficiently high level of belief results in a green square around the subject face.

- **Facing the camera** - *The face of the subject(s) you are photographing must be facing the camera and must hold the pose for at least 4 to 5 seconds until the green square(s) appears around the subject's face.*

*Face Detect will not work with a side shot of the subject's head.*

[http://www.vivitar.com/files\\_products/576/ViviCam\\_X028\\_Camera\\_Manual.pdf](http://www.vivitar.com/files_products/576/ViviCam_X028_Camera_Manual.pdf)

53. Sakar has thus infringed and continues to infringe at least claim 1 of the '317 patent by making, using, testing, selling, offering for sale, importing and/or licensing the Accused Infringing Devices, and operating such that all steps of at least claim 1 are performed.

54. The users, customers, agents and/or other third parties (collectively, “third-party infringers”) infringe, including under 35 U.S.C. § 271(a), at least claim 1 of the ’317 patent by using the Accused Infringing Devices.

55. Sakar has, since at least no later than August 2, 2018, known or been willfully blind to the fact that the third-party infringers’ use of the Accused Infringing Devices directly infringes the ’317 patent.

56. Sakar’s knowledge of the ’317 patent, which covers operating the Accused Infringing Devices in their intended manner and such that all limitations of at least claim 1 of the ’317 patent are met, made it known to Sakar that the third-party infringers’ use of the Accused Infringing Devices would directly infringe the ’317 patent, or, at the very least, render Sakar willfully blind to such infringement.

57. Having known or been willfully blind to the fact that the third-party infringers’ use of the Accused Infringing Devices in their intended manner and such that all limitations of at least claim 1 of the ’317 patent are met would directly infringe the ’317 patent, Sakar, upon information and belief, actively encouraged the third-party infringers to directly infringe the ’317 patent by making, using, testing, selling, offering for sale, importing and/or licensing said Accused Infringing Devices, and by, for example, marketing the Accused Infringing Devices to the third-party infringers; supporting and managing the third-party infringers’ continued use of the Accused Infringing Devices; and providing technical assistance to the third-party infringers during their continued use of the Accused Infringing Devices. *See, e.g.,* [www.vivitar.com/](http://www.vivitar.com/), [http://www.vivitar.com/files\\_products/576/ViviCam\\_X028\\_Camera\\_Manual.pdf](http://www.vivitar.com/files_products/576/ViviCam_X028_Camera_Manual.pdf), and related domains and sub-domains.

58. Sakar induced the third-party infringers to infringe at least claim 1 of the ’317 patent by directing or encouraging them to operate the Accused Infringing Devices which, alone

or in combination with the third-party infringers' devices, satisfy all limitations of claim 1 of the '317 patent. For example, Sakar advertised and promoted the features of the Accused Infringing Devices and encouraged the third-party infringers to operate the Accused Infringing Devices in an infringing manner. Sakar further provided technical assistance as to how the Accused Infringing Devices should be used by the third-party infringers. *See, e.g.*, [www.vivitar.com/](http://www.vivitar.com/), [http://www.vivitar.com/files\\_products/576/ViviCam\\_X028\\_Camera\\_Manual.pdf](http://www.vivitar.com/files_products/576/ViviCam_X028_Camera_Manual.pdf), and related domains and sub-domains.

59. In response, the third-party infringers acquired and operated the Accused Infringing Devices such that all limitations of claim 1 of the '317 patent are practiced.

60. Thus, Sakar has specifically intended to induce, and has induced, the third-party infringers to infringe at least claim 1 of the '317 patent, and Sakar has known of or been willfully blind to such infringement. Sakar has advised, encouraged, and/or aided the third-party infringers to engage in direct infringement, including through its encouragement, advice, and assistance to the third-party infringers to use the Accused Infringing Devices.

61. Based on, among other things, the foregoing facts, Sakar has induced, and continues to induce, infringement under 35 U.S.C. § 271(b) of at least claim 1 of the '317 patent.

62. Further, Sakar sold, provided and/or licensed to the third-party infringers Accused Infringing Devices that are especially made and adapted—and specifically intended by Sakar—to be used as components and material parts of the inventions covered by the '317 patent. For example, Sakar provides camera hardware and related software which the third-party infringers use in a manner such that all limitations of at least claim 1 of the '317 patent are met, and without which the third-party infringers would be unable to use and avail themselves of the Accused Infringing Devices in their intended manner.

63. Upon information and belief, Sakar also knew that the Accused Infringing Devices operate in a manner that satisfy all limitations of at least claim 1 of the '317 patent.

64. The main subject detection technology in the Accused Infringing Devices is specially made and adapted to infringe at least claim 1 of the '317 patent. Upon information and belief, the main subject detection technology in the Accused Infringing Devices is not a staple article or commodity of commerce, and, because the functionality is designed to work with the Accused Infringing Devices solely in a manner that is covered by the '317 patent, it does not have a substantial non-infringing use. At least by no later than August 2, 2018, based on the foregoing facts, Sakar has known or been willfully blind to the fact that such functionality is especially made and adapted for—and is in fact used in—the Accused Infringing Devices in a manner that is covered by the '317 patent.

65. Based on, among other things, the foregoing facts, Sakar has contributorily infringed at least claim 1 of the '317 patent under 35 U.S.C. § 271(c).

66. Sakar's acts of infringement of the '317 patent have been willful and intentional under the standard of *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 136 S. Ct. 1923 (2016). Since at least August 2, 2018, Sakar has willfully infringed the '317 patent by refusing to take a license and continuing the foregoing infringement. Instead of taking a license to the '317 patent, Sakar made the business decision to “efficiently infringe” the '317 patent. In doing so, Sakar willfully infringes the '317 patent.

67. Sakar's acts of direct and indirect infringement have caused damage to MPV, and MPV is entitled to recover damages sustained as a result of Sakar's wrongful acts in an amount subject to proof at trial.

**PRAYER FOR RELIEF**

WHEREFORE, MPV respectfully requests the following relief:

- A. A judgment that Sakar has infringed and willfully infringed the '674 patent;
- B. A judgment that Sakar has infringed and willfully infringed the '317 patent;
- C. A judgment that MPV be awarded damages adequate to compensate it for Sakar's past infringement and any continuing or future infringement of the '674 patent and the '317 patent, including pre-judgment and post-judgment interest costs and disbursements as justified under 35 U.S.C. § 284 and an accounting;
- D. That this be determined to be an exceptional case under 35 U.S.C. § 285 and that MPV be awarded enhanced damages up to treble damages for willful infringement as provided by 35 U.S.C. § 284;
- E. That MPV be granted its reasonable attorneys' fees in this action;
- F. That this Court award MPV its costs; and
- G. That this Court award MPV such other and further relief as the Court deems proper.

**DEMAND FOR JURY TRIAL**

MPV hereby demands trial by jury on all claims and issues so triable.

Dated: February 28, 2019

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