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10 *Attorneys for Plaintiff*
Pinek IP LLC

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 **Pinek IP LLC,**

15 Plaintiff,

16 v.

17 **Sercomm USA Inc.,**

18 Defendant.

Case No. _____

Patent Case

Jury Trial Demanded

19
20 **Complaint for Patent Infringement**

21 Plaintiff, **Pinek IP LLC** (“Pinek”), through its attorney, Kenneth Matuszewski, complains
22 of **Sercomm USA Inc.** (“Sercomm”) and alleges the following:

23
24 **Parties**

25 1. Plaintiff Pinek IP LLC is a corporation organized and existing under the laws of
26 Texas that maintains its principal place of business at 6205 Coit Road Suite 300-1015, Plano, TX
27 75024.

1 Pyroelectric Activation System.” The application leading to the ’256 Patent was filed on January
2 6, 2005 and is a National Stage Entry of PCT/DE02/04262, which was filed on November 19,
3 2002. A true and correct copy of the ’256 Patent is attached hereto as Exhibit A.

4 9. The ’256 Patent is valid and enforceable.

5 10. The invention claimed in the ’256 Patent relates to an activation system, a remotely
6 triggerable circuit system containing this system, and to respective operating methods. Ex. A at
7 1:1-3. It also provides a possibility for activation of electronic circuits, which are signal-sensitive
8 and not susceptible to interference signals. *Id.* at 1:50-53.

9
10 **COUNT I: INFRINGEMENT OF THE ’256 PATENT**

11 11. Pinek incorporates the above paragraphs herein by reference.

12 12. **Direct Infringement.** Sercomm has been and continues to directly infringe one or
13 more claims of the ’256 Patent in at least this District by making, using, offering to sell, selling
14 and/or importing, without limitation, at least the (“Exemplary Sercomm Products”) that infringe at
15 least exemplary claim 1 of the ’256 Patent (the “Exemplary ’256 Patent Claim”) literally or by the
16 doctrine of equivalence. On information and belief, numerous other devices that infringe the
17 claims of the Patent-in-Suit have been made, used, sold, imported, and offered for sale by
18 Sercomm and/or its customers.

19
20 13. **Induced Infringement.** Sercomm actively, knowingly, and intentionally has been
21 and continues to induce infringement of the ’256 Patent, literally or by the doctrine of equivalence,
22 by selling Exemplary Sercomm Products to their customers for use in end-user products in a
23 manner that infringes one or more claims of the ’256 Patent.

24
25 14. **Contributory Infringement.** Sercomm actively, knowingly, and intentionally has
26 been and continues materially contribute to their own customers’ infringement of the ’256 Patent,
27 literally or by the doctrine of equivalence, by selling Exemplary Sercomm Products to their
28

1 customers for use in end-user products in a manner that infringes one or more claims of the '256
2 Patent.

3 15. The filing of this Complaint constitutes notice in accordance with 35 U.S.C. § 287.

4 16. Despite such notice, Sercomm continues to make, use, test, sell, offer for sale,
5 market, and/or import into the United States, products that infringe the '256 Patent. On
6 information and belief, Sercomm has also continued to sell the Exemplary Sercomm Products and
7 distribute product literature and website materials inducing end users and others to use its products
8 in the customary and intended manner that infringes the '256 Patent. Thus, on information and
9 belief, Sercomm is contributing to and/or inducing the infringement of the '256 Patent.
10

11 17. Exhibit B includes charts comparing the Exemplary '256 Patent Claim to the AC5.
12 As set forth in these charts, this Exemplary Sercomm Product practices the technology claimed by
13 the '256 Patent. Accordingly, the Exemplary Sercomm Products incorporated in these charts
14 satisfy all elements of the Exemplary '256 Patent Claim.
15

16 18. Pinek therefore incorporates by reference in its allegations herein the claim charts
17 of Exhibit B.

18 19. Pinek is entitled to recover damages adequate to compensate for Sercomm's
19 infringement.
20

21 **Jury Demand**

22 Under Rule 38(b) of the Federal Rules of Civil Procedure, Pinek respectfully requests a
23 trial by jury on all issues so triable.

24 **Prayer for Relief**

25 WHEREFORE, Pinek respectfully requests the following relief:

26 A. A judgment that the '256 Patent is valid and enforceable.
27
28

- 1 B. A judgment that Sercomm has infringed, contributorily infringed, and/or induced
2 infringement of one or more claims of the '256 Patent;
- 3 C. An accounting of all damages not presented at trial;
- 4 D. A judgment that awards Pinek all appropriate damages under 35 U.S.C. § 284 for
5 Sercomm's past infringement, and any continuing or future infringement of the
6 Patent-in-Suit, up until the date such judgment is entered, including pre- or post-
7 judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and,
8 if necessary, to adequately compensate Pinek for Sercomm's infringement, an
9 accounting:
- 10
- 11 i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and
12 that Pinek be awarded its reasonable attorneys' fees against Sercomm that it
13 incurs in prosecuting this action;
- 14 ii. that Pinek be awarded costs, and expenses that it incurs in prosecuting this
15 action; and
- 16 iii. that Pinek be awarded such further relief at law or in equity as the Court deems
17 just and proper.
18

19 Respectfully submitted,

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