	Case 3:19-cv-01133-JSC Document 1	Filed 02/28/19 Page 1 of 6		
1	Steven A. Nielsen (CSB No. 133864) 100 Larkspur Landing Circle, Suite 216 Larkspur, CA 94939			
2 3	415-272-8210 Steve@NielsenPatents.com			
4	Isaac Rabicoff			
5	(Pro Hac Vice Admission Pending) Kenneth Matuszewski			
6	(Pro Hac Vice Admission Pending) RABICOFF LAW LLC			
7	73 W Monroe St Chicago, IL 60603			
8	773-669-4590 isaac@rabilaw.com			
9	kenneth@rabilaw.com			
10	Attorneys for Plaintiff			
11	Pinek IP LLC			
12	IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA			
13	SAN FRANC	SCO DIVISION		
14	Pinek IP LLC,	Case No		
15	Plaintiff,	Patent Case		
16	v.	Jury Trial Demanded		
17	Sercomm USA Inc.,			
18	Defendant.			
19				
20	Complaint for P	atent Infringement		
21	-	igh its attorney, Kenneth Matuszewski, complains		
22	of Sercomm USA Inc. ("Sercomm") and allege	s the following:		
23				
24		retion organized and existing under the laws of		
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.			
28		1		
	I Complaint with Jury Demand			

1	2.	Defendant Sercomm USA Inc. is a company organized under the laws of California			
2	that maintains	its principal place of business at 42808 Christy St., STE 231, Fremont, CA 94538.			
3		Tuniadiation			
4	3.	Jurisdiction This is an action for patent infringement arises under the patent laws of the United			
5	States, Title 3	5 of the United States Code.			
6	4.	This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and			
7	1338(a).				
8	5.	This Court has personal jurisdiction over Sereeme because it has encoured in			
9		This Court has personal jurisdiction over Sercomm because it has engaged in			
10	systematic and	d continuous business activities in the Northern District of California. Specifically,			
11	Sercomm is incorporated in the state of California, is headquartered in this District and provides				
12	its full range of services to residents in this District. As described below, Sercomm has committed				
13	acts of patent infringement giving rise to this action within this District.				
14					
15	6.	Venue Venue is proper in this District under 28 U.S.C. § 1400(b) because Sercomm has			
16	committed acts of patent infringement in this District, is headquartered in this District and is				
17					
18	incorporated in the state of California. In addition, Pinek has suffered harm in this District.				
19		Patent-in-Suit			
20	7.	Pinek is the assignee of all right, title and interest in United States Patent No.			
21	7,233,256 (the	e "256 Patent," or the "Patent-in-Suit"), including all rights to enforce and prosecute			
22	actions for infringement and to collect damages for all relevant times against infringers of the				
23	Patent-in-Suit	. Accordingly, Pinek possesses the exclusive right and standing to prosecute the			
24 25	present action	for infringement of the Patent-in-Suit by Sercomm.			
		THE '256 PATENT			
26 27	8.	On June 19, 2007, the United States Patent and Trademark Office issued the '256			
27	Patent. The '2	56 Patent is titled "A System and Method for Receiving a Signal to Trigger a			
20	2				
		Complaint with Jury Demand			
	1				

Case 3:19-cv-01133-JSC Document 1 Filed 02/28/19 Page 3 of 6

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 9	and not susceptible to interference signals. <i>Id.</i> at 1:50-53.				
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 17	doctrine of equivalence. On information and belief, numerous other devices that infringe the				
18	claims of the Patent-in-Suit have been made, used, sold, imported, and offered for sale by				
19	Sercomm and/or its customers.				
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					
	Complaint with Jury Demand				

Case 3:19-cv-01133-JSC Document 1 Filed 02/28/19 Page 4 of 6

1

2

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

15. 3 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 18. Pinek therefore incorporates by reference in its allegations herein the claim charts 16 of Exhibit B. 17 19. Pinek is entitled to recover damages adequate to compensate for Sercomm's 18 19 infringement. 20 **Jury Demand** 21 Under Rule 38(b) of the Federal Rules of Civil Procedure, Pinek respectfully requests a 22 trial by jury on all issues so triable. 23 24 **Prayer for Relief** WHEREFORE, Pinek respectfully requests the following relief: 25 A. A judgment that the '256 Patent is valid and enforceable. 26 27 28 4 Complaint with Jury Demand

1	B. A	A judgment that Sercomm has infringed, contributorily infringed, and/or induced		
2	ir	nfringement of one or more claims of the '256 Patent;		
3	C. A	An accounting of all damages not presented at trial;		
4	D. A	A judgment that awards Pinek all appropriate damages under 35 U.S.C. § 284 for		
5	S	bercomm'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				
8		udgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and,		
9	if	f necessary, to adequately compensate Pinek for Sercomm's infringement, an		
10	a	ccounting:		
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				
17	iii.	that Pinek be awarded such further relief at law or in equity as the Court deems		
18		just and proper.		
19		Respectfully submitted,		
20		<u>/s/ Steven A. Nielsen</u>		
21		100 Larkspur Landing Circle, Suite 216 Larkspur, CA 94939		
22		415-272-8210 <u>Steve@NielsenPatents.com</u>		
23		<u>/s/ Isaac P. Rabicoff</u>		
24		Isaac P. Rabicoff (Pro Hac Vice Admission Pending)		
25		isaac@rabilaw.com		
26		<u>/s/ Kenneth A. Matuszewski</u>		
27		Kenneth A. Matuszewski <u>kenneth@rabilaw.com</u>		
28		5		
	<u> </u>	Complaint with Jury Demand		

	Case 3:19-cv-01133-JSC Document 1 Filed 02/28/19 Page 6 of 6
1	(Pro Hac Vice Admission Pending) Rabicoff Law LLC
2	73 W. Monroe St. Chicago, IL 60603
3	(773) 669-4590
4	Counsel for Plaintiff
5	
6	
7	
8	
9	
10	
11	
12 13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	6
	Complaint with Jury Demand