

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

RAVEN LICENSING LLC,

Plaintiff,

v.

NORTEK SECURITY & CONTROL LLC,

Defendant.

No. ____:19-cv-____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Raven Licensing LLC, by and through its undersigned counsel, files its Original Complaint for Patent Infringement and alleges based on knowledge as to itself and information and belief as to the Defendant as follows.

THE PARTIES

1. Plaintiff Raven Licensing LLC is a Texas limited liability company with a principal office at 6009 W Parker Rd, Ste 149-1007, Plano, TX 75093.
2. Defendant Nortek Security & Control LLC, is a California corporation with a regular and established place of business at 3121 Hartsfield Road, Tallahassee, FL 32303. Defendant may be served with process at Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
5. Upon information and belief, this Court has personal jurisdiction over Defendant because (i) Defendant conducts business in this Judicial District, directly or through intermediaries; (ii) at least a portion of the alleged infringements occurred in this Judicial

District; (iii) Defendant regularly solicits business, engages in other persistent courses of conduct, or derives revenue from goods and services provided to individuals in this Judicial District; and (iv) Defendant is incorporated in this Judicial District.

6. Venue is proper in this Judicial District under 28 U.S.C. § 1400(b) because Defendant has committed acts of infringement in in this Judicial District, and Defendant has a regular and established place of business in this Judicial District at 3121 Hartsfield Road, Tallahassee, FL 32303.

THE PATENT-IN-SUIT

7. On May 28, 2002, the U.S. Patent and Trademark Office issued U.S. Patent No. 6,396,534 (“the ’534 Patent”), titled “Arrangement for Spatial Monitoring.” A true and correct copy of the ’534 Patent is attached at Exhibit 1.

8. The ’534 Patent is presumed valid under 35 U.S.C. § 282(a).

9. Plaintiff is the owner and assignee of all substantial rights, title, and interest in the ’534 Patent.

10. The ’534 Patent claims and discloses an arrangement for spatial monitoring or surveillance, including an image sensor, a presence/movement detector, and control and evaluation electronics with a processor stage for evaluating signals from the sensor and detector. Imaged objects can be categorized on the basis of their geometry and movement. The signal from the detector can be used in interpreting sensed images..

11. In a spatial monitoring arrangement in accordance with the invention, intelligent monitoring has optimized discrimination and robustness. The arrangement includes at least one image sensor and at least one presence/movement detector connected to control and evaluation electronics including a processing stage for on-site, combined evaluation of sensor and detector signals.

12. This dual- or multi-criteria monitoring arrangement has significant advantages over known dual-notification devices, as well as over pure image sensors. The arrangement is significantly more robust than known dual-notification devices in which spatial resolution is

coarse or absent, with the result that it is often impossible to differentiate between humans and animals. Furthermore, for intelligent monitoring the image sensor can provide for classifying objects based on their geometry and movement, and can provide for verification and storage of events for retrieval later.

13. As compared with pure image sensors, the arrangement in accordance with the invention is advantageous in that it can remain fully functional as a presence/movement detector even under poor lighting conditions. Furthermore, the detector can assist in interpreting difficult situations by automated processing.

14. In a preferred embodiment of an arrangement in accordance with the invention, signals from the image sensor and the presence/movement detector first are evaluated separately, before their combined evaluation.

15. A further preferred embodiment of an arrangement in accordance with the invention includes a CMOS (complementary metal-oxide-semiconductor) image sensor, preferably an active pixel sensor. Among advantages of CMOS image sensors over CCD (charge-coupled device) cameras are a power consumption which is lower by several orders of magnitude and the ability to access individual pixels. This latter feature enables readout of images with reduced resolution and of mere portions of interest of an image, whereas with CCD cameras the pixels can be read out only line by line.

16. In yet a further preferred embodiment of an arrangement in accordance with the invention, means is included for determining the distance of a detected object from the presence/movement detector, and passing the distance signal to a processing stage.

THE ACCUSED PRODUCT

17. Defendant makes, uses (at least by testing), sells, offers for sale, or imports an Accused Product that infringes one or more claims of the '534 Patent.

18. Defendant's Accused Product is its 2GIG-CAM-HD100.

COUNT I

DIRECT INFRINGEMENT OF U.S. PATENT NO. 6,396,534

19. Plaintiff incorporates by reference each of its foregoing allegations.

20. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant directly infringes one or more claims of the '534 Patent in this Judicial District and throughout the United States, literally or under the doctrine of equivalents, by making, using (at least by testing), selling, offering for sale, or importing their Accused Product as shown in Exhibit 2.

21. The claims of the '534 Patent are understandable to a person of ordinary skill in the art who has the requisite education, training, and experience with the technology at issue in this case.

22. A person of ordinary skill in the art understands Plaintiff's theory of how Defendant's Accused Product infringes the claims of the '534 Patent upon a plain reading of this Complaint, the '534 Patent, and Exhibit 2.

23. Plaintiff reserves the right to modify its infringement theories as discovery progresses in this case; it shall not be estopped for infringement contention or claim construction purposes by the claim charts that it provides with this Complaint. The claim charts are intended to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure; they do not represent Plaintiff's preliminary or final infringement contentions or preliminary or final claim construction positions.

24. Since at least the date that Defendants were served with a copy of this Complaint, Defendants have known that their Accused Products directly infringe one or more claims of the '534 Patent.

PRAYER FOR RELIEF

Plaintiff requests the following relief:

- A. Judgment that Defendant has infringed the '534 Patent under 35 U.S.C. § 271(a);
- B. An accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. An award of damages under 35 U.S.C. § 284 adequate to compensate Plaintiff for Defendant's past and future infringement, including any infringement from the date of filing of this Complaint through the date of judgment, together with interest and costs;

D. Judgment that this case is exceptional under 35 U.S.C. § 285 and an award of Plaintiff's reasonable attorneys' fees and costs; and

E. Such further relief at law or in equity that this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all claims and issues so triable under Federal Rule of Civil Procedure 38(b).

Dated: March 4, 2019

Respectfully Submitted,

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