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3 **UNITED STATES DISTRICT COURT**
4 **FOR THE WESTERN DISTRICT OF WASHINGTON**

5
6 TZU Technologies, LLC, a California)
7 Limited Liability Company)

8 Plaintiff,)

9 v.)

10 Fluke Corporation, a Washington)
11 Corporation,)

12 Defendant.)

CIVIL ACTION NO:

**COMPLAINT FOR
INFRINGEMENT OF
U.S. PATENT NO. 8,953,062**

DEMAND FOR JURY TRIAL

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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff TZU Technologies, LLC (“TZU” or "Plaintiff"), by and through its undersigned counsel, for its Complaint against Defendant Fluke Corporation ("Fluke" or "Defendant") makes the following allegations. These allegations are made upon information and belief.

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NATURE OF THE ACTION

1. This is an action against Defendant for infringement of one or more claims of United States Patent No. 8,953,032.

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PARTIES

2. Plaintiff TZU Technologies, LLC is a limited liability company organized under the laws of the State of California and has an office and principal place of business at 35 Hugus Alley, Suite 210, Pasadena, California 91103.

3. Defendant Fluke Corporation is a company incorporated under the laws of the State of Washington. Upon information and belief, Fluke Corporation has a principal place of business at 6920 Seaway Blvd., Everett, WA 98203. Fluke Corporation may be served via its registered agent, CT Corporation System, 711 Capital Way S Suite 204, Olympia, WA 98501.

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JURISDICTION AND VENUE

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

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

6. This Court has personal jurisdiction over the Defendant because it (either directly or through its subsidiaries, divisions, groups or distributors) has sufficient minimum contacts with the forum as a result of business conducted within the State of Washington and this District; and/or specifically over the Defendant (either directly or

1 through its subsidiaries, divisions, groups or distributors) because of its infringing
2 conduct within or directed at this district.

3 7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b),
4 1391(c), since the related acts and transactions include the sale and operation of the
5 software identified herein was done by Defendant in the State of Washington and
6 throughout this district.

7 **FACTS**

8 8. Plaintiff is the sole owner, by assignment, of U.S. Patent No. 8,953,032,
9 entitled "SELF ARTICULATING BEHIND-WALL CAMERA," which was duly and
10 legally issued on February 10th, 2015 by the United States Patent and Trademark
11 Office ("USPTO").

12 9. A copy of the '032 Patent is attached to this Complaint as **Exhibit A**.

13 10. The claims of the '032 Patent are valid and enforceable.

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15 **COUNT I: CLAIM FOR PATENT INFRINGEMENT**
16 **UNDER 35 U.S.C. § 271(a) ('032 PATENT)**
17 **AGAINST DEFENDANT FLUKE CORPORATION**

18 11. Plaintiff hereby incorporates by reference the allegations of paragraphs 1
19 through 10 of this Complaint as if fully set forth herein.

20 12. Claim 1 of the '032 Patent covers "A system for viewing partially or fully
21 enclosed areas, comprising: a camera coupled to a first end of an elongated member;
22 at least one interface for communicating with a viewing device; and a controller
23 coupled to a second end of the elongated member for controlling at least one of the
24 member, the camera, or the viewing device; a light source coupled towards the first
25 end of the elongated member for illuminating a view of the camera; wherein the
26 elongated member has a cross sectional area of less than about one square inch at a
27 point toward the first end of the elongated member." *See Exhibit A.*

1 13. Defendant developed, develops, used, uses, sells, implements, and
2 distributes diagnostic scopes including but not limited to the Fluke DS701 Diagnostic
3 Scope ("Accused Product").

4 14. A claim chart comparing Claim 1 of the '032 Patent to the Accused
5 Product is attached as **Exhibit B**.

6 15. The Accused Product is an inspection camera for viewing partially or
7 fully enclosed areas. *See Exhibit B*, p. 1.

8 16. The Accused Product includes an inspection camera coupled to a first
9 end of a cable. *See Exhibit B*, p. 2-3.

10 17. The Accused Product includes an interface for communicating with a
11 display. *See Exhibit B*, p. 4.

12 18. The Accused Product includes a user interface for prompting a controller
13 coupled to the second end of the cable to control the cable and/or camera and/or the
14 viewing device. *See Exhibit B*, p. 5-7.

15 19. The Accused Product includes a side LED and a forward LED coupled
16 toward the first end of the cable. *See Exhibit B*, p. 8.

17 20. The elongated member of the Accused Product has a diameter of 0.33",
18 which equates to a cross sectional area of less than one square inch. *See Exhibit B*, p.
19 9.

20 21. Each and every element in claim 1 is present in the Accused Product.

21 22. Thus, Fluke infringes at least Claim 1 of the '032 Patent.

22 23. Plaintiff has been, and will continue to be, irreparably harmed by Uber's
23 ongoing infringement of the '032 Patent.

24 24. As a direct and proximate result of Fluke's infringement of the '032
25 Patent, Plaintiff has been and will continue to be damaged in an amount yet to be
26 determined, including but not limited to Plaintiff's lost profits and/or a reasonable
27 royalty.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against Defendant as follows:

In favor of Plaintiff that Defendant has infringed one or more claims of the ‘032 Patent, either literally or under the doctrine of equivalents;

Requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant’s infringement of the ‘032 Patent as provided under 35 U.S.C. § 284, but not less than a reasonable royalty; and

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

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.

Dated: April 13, 2019

Respectfully submitted

_____/s/ Nicholas Ranallo_____
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