

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

Pinek IP LLC,

Plaintiff,

v.

Visonic Inc.,

Defendant.

Case No. 1:19-cv-10990

Patent Case

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Pinek IP LLC (“Pinek”), through its attorney, Jean Vidal, complains of Visonic Inc. (“Visonic”) and alleges the following:

PARTIES

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

2. Defendant Visonic is a corporation organized under the laws of Connecticut that maintains its principal place of business at 65 West Dudley Town Road, Bloomfield, CT 06002.

JURISDICTION

3. This is an action for patent infringement that arises under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Visonic because it has engaged in

systematic and continuous business activities in the District of Massachusetts. Specifically, Visonic has an office at 6 Technology Park Drive, Westford, MA 01886. Additionally, as described below, Visonic has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this Judicial District under 28 U.S.C. § 1400(b) because Visonic has committed acts of patent infringement in this District and has an office located at 6 Technology Park Drive, Westford, MA 01886. In addition, Pinek has suffered harm in this Judicial District.

PATENT-IN-SUIT

7. Pinek is the assignee of all right, title and interest in United States Patent No. 7,233,256 (the "'256 Patent," or the "Patent-in-Suit"), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Pinek possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Visonic.

The '256 Patent

8. On June 19, 2007, the United States Patent and Trademark Office issued the '256 Patent. The '256 Patent is titled "A System and Method for Receiving a Signal to Trigger a Pyroelectric Activation System." The application leading to the '256 Patent was filed on January 6, 2005 and is a National Stage Entry of PCT/DE02/04262, which was filed on November 19, 2002. A true and correct copy of the '256 Patent is attached hereto as Exhibit A.

9. The '256 Patent is valid and enforceable.

10. The invention claimed in the '256 Patent relates to an activation system, a

remotely triggerable circuit system containing this system, and to respective operating methods. Ex. A at 1:1-3. It also provides a possibility for activation of electronic circuits, which are signal-sensitive and not susceptible to interference signals. *Id.* at 1:50-53.

COUNT I: INFRINGEMENT OF THE '256 PATENT

11. Pinek incorporates the above paragraphs herein by reference.

12. **Direct Infringement.** Visonic has been and continues to directly infringe one or more claims of the '256 Patent in at least this District by making, using, offering to sell, selling and/or importing, without limitation, at least the Visonic Long Range Pet Immune PIR Motion Detector MP-849 (“Exemplary Visonic Products”) that infringes at least exemplary Claim 1 of the '256 Patent (the “Exemplary '256 Patent Claim”) literally or by the doctrine of equivalents. On information and belief, numerous other devices that infringe the claims of the Patent-in-Suit have been made, used, sold, imported, and offered for sale by Visonic and/or its customers.

13. **Induced Infringement.** Visonic actively, knowingly, and intentionally has been and continues to induce infringement of the '256 Patent, literally or by the doctrine of equivalents, by selling Exemplary Visonic Products to their customers for use in end-user products in a manner that infringes one or more claims of the '256 Patent.

14. **Contributory Infringement.** Visonic actively, knowingly, and intentionally has been and continues to materially contribute to their own customers' infringement of the '256 Patent, literally or by the doctrine of equivalents, by selling Exemplary Visonic Products to their customers for use in end-user products in a manner that infringes one or more claims of the '256 Patent.

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

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

17. Exhibit B attached hereto includes charts comparing the Exemplary '256 Patent Claim to the Exemplary Visonic Products. As set forth in these charts, this Exemplary Visonic Product practices the technology claimed by the '256 Patent. Accordingly, the Exemplary Visonic Products incorporated in these charts satisfy all elements of the Exemplary '256 Patent Claim.

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

19. Pinek is entitled to recover damages adequate to compensate for Visonic's infringement.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Pinek respectfully requests the following relief:

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

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

Dated: April 26, 2019

Respectfully submitted,

/s/ Gustavo A. Chico-Barris

Gustavo A. Chico-Barris

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