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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEX TEAM, INC.

Plaintiff,

v.

PILLAR VISION, INC.

Defendant.

CASE NO.

**COMPLAINT FOR DECLARATORY
JUDGEMENT OF NON-INFRINGEMENT
PURSUANT TO 35 U.S.C. § 1 et seq. AND
28 U.S.C. §§ 2201 and 2202 (the
Declaratory Judgment Act)**

COMPLAINT FOR DECLARATORY JUDGEMENT

By and through its undersigned counsel, Plaintiff Nex Team, Inc. (“Nex Team”) hereby files this Complaint seeking declaratory adjudication of non-infringement of US Patent No. 7,854,669, and any other patent deemed infringed by Defendant.

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PARTIES

1. Plaintiff Nex Team is a Delaware Corporation with a principal place of business in this district.

2. Defendant Pillar Vision Inc. (“Pillar Vision”) is a corporation organized and existing under the laws of the State of California with its principal place of business at 151 Hedge Road, Menlo Park, California 94025 and an agent for service of process at 20400 Stevens Creek Blvd., Suite 280, Cupertino, CA 95014.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction under 28 U.S.C. §§ 2201, 2202, and 1338, as a declaratory judgment action arising under the Patent Laws, Title 35 of the United States Code.

4. This Court has personal jurisdiction over Defendant as Defendant is incorporated in California.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) because Defendant resides in this district and because the causes of action asserted in this Complaint arise out of Defendant’s contacts with this judicial district.

6. This Court has declaratory judgment jurisdiction over this actual controversy, as is detailed below.

FACTUAL BACKGROUND

7. Nex Team is a mobile artificial intelligence company started by a team of second-time entrepreneurs and former Apple, Google, and Facebook engineers and employees. Nex Team combines cutting edge mobile, AI, and computer vision technologies with deep community engagement experiences to create utility and joy for athletes and sports communities worldwide.

8. The Accused Product, HomeCourt, is the first application built with Nex Team’s core technologies. HomeCourt allows a basketball player to radically improve her performance using artificial intelligence and other cutting-edge technology.

1 9. Nex Team was named one of Fast Company's most innovative sports
2 companies for 2019 based on the groundbreaking technology in HomeCourt.

3 10. Defendant Pillar Vision is the alleged owner of US Patent U.S. Patent No.
4 7,854,669 directed toward a "Trajectory Detection and Feedback System," among other
5 potentially relevant patents.

6 11. Pillar Vision alleges that the '669 Patent is part of a patent family that claims
7 priority based on patent applications dating back to September 12, 2001.

8 12. It was not possible to create the technology in and functions of HomeCourt in
9 2001.

10 13. The claims of the '669 are directed toward fundamentally different
11 technologies and sports training philosophies than HomeCourt.

12 14. Pillar Vision alleges that its products, the Noah Half Court System and the
13 Noah Full Court System, are embodiments of the '669 Patent.

14 15. Pillar Vision states, "The name Noah was adopted from the story of Noah's
15 Arc in the Bible because the company's original focus was on the arc of the shot and Noah
16 built the perfect arc."

17 16. Pillar Vision's Noah products are directed toward fundamentally different
18 technologies and sports training philosophies than HomeCourt.

19 17. Pillar Vision is attempting to use old patents, covering old ideas, to contain a
20 young company with exceedingly superior new technology not contemplated in or covered
21 by its old patents.

22 18. On May 3, 2019, Pillar Vision caused to be sent to Nex Team a cease and
23 desist letter. *See* Exh. A, attached.

24 19. In that letter, Pillar Vision stated that HomeCourt infringes one or more
25 claims of the '669 Patent.

26 20. In that letter, Pillar Vision threatened Nex Team with a potential injunction.
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21. In that letter, Pillar Vision threatened Nex Team with “filing a lawsuit against Nex Team to enjoin its current activities and to recover all damages incurred by Pillar Vision.”

Count 1: Non-Infringement

22. HomeCourt does not infringe any claim of the '669 Patent.

23. By way of non-limiting example, HomeCourt does not meet Claim 58, limitation (b)(i), “prior to analyzing a trajectory of the sports object, autonomously determine a set-up position of the one or more cameras and based upon the determined set-up position, auto-calibrate to objects in an environment in which the sports device is located[.]”

24. By way of second non-limiting example, HomeCourt does not meet Claim 58, limitation (b)(vi), “based upon the one or more trajectory parameters derived from the curve-fit of the trajectory of the sports object, generate immediate feedback information that allows the person to evaluate their skill at reproducing the particular trajectory.

25. Nex Team is a start-up comprising a small team of exceptional, proven technologists.

26. Pillar Vision’s attempts to enforce patents that fail to cover or teach the HomeCourt technology and functionality is unnecessarily distracting Nex Team’s leadership and unfairly hampering Nex Team’s progress.

27. As such, Nex Team respectfully seeks an order from this Honorable Court determining that HomeCourt does not infringe any patent owned by Pillar Vision.

Request For Jury Trial

Nex Team respectfully requests a jury trial for all issues so triable.

PRAYER

By and through its undersigned counsel, Plaintiff seeks a declaratory judgment order finding:

- i. Plaintiff’s HomeCourt product to be non-infringing as to the '699 Patent or any patent asserted by Pillar Vision.

Respectfully submitted,

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DJ COMPLAINT