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7 (*Pro Hac Vice admission to be filed*)
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13 *Counsel for Plaintiff*
14 *Secure Cam, LLC*

15 **IN THE UNITED STATES DISTRICT COURT**
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO**

18 **Secure Cam, LLC,**
19 Plaintiff,
20 v.
21 **Surveon Corporation,**
22 Defendant.

23 Case No. _____
24 Patent Case
25 Jury Trial Demanded

26 **COMPLAINT FOR PATENT INFRINGEMENT**

27 Plaintiff Secure Cam, LLC ("Secure Cam"), through its attorneys, complains of Surveon
28 Corporation ("Surveon"), and alleges the following:

PARTIES

1. Plaintiff Secure Cam, LLC is a corporation organized and existing under the laws of
Wyoming that maintains its principal place of business at 30 N. Gould St. STE R, Sheridan, WY
82801.

1 2. Defendant Surveon Corporation is a corporation organized and existing under the
2 laws of California that maintains its principal place of business at 435 Lakeside DR, Sunnyvale, CA
3 94085.

4 **JURISDICTION**

5
6 3. This is an action for patent infringement arising under the patent laws of the United
7 States, Title 35 of the United States Code.

8 4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and
9 1338(a).

10 5. This Court has personal jurisdiction over Defendant because it has engaged in
11 systematic and continuous business activities in this District, and is incorporated in this District's
12 state. As described below, Defendant has committed acts of patent infringement giving rise to this
13 action within this District.

14
15 **VENUE**

16 6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has
17 committed acts of patent infringement in this District, has an established place of business in this
18 District, and is incorporated in this District's state. In addition, Secure Cam has suffered harm in this
19 district.

20
21 **PATENT-IN-SUIT**

22 7. Secure Cam is the assignee of all right, title and interest in United States Patent
23 No. 6,698,021 (the "'021 Patent"); (the "Patent-in-Suit"); including all rights to enforce and
24 prosecute actions for infringement and to collect damages for all relevant times against infringers of
25 the Patent-in-Suit. Accordingly, Secure Cam possesses the exclusive right and standing to prosecute
26 the present action for infringement of the Patent-in-Suit by Defendant.

27
28 **The '021 Patent**

1 8. The '021 Patent is entitled "System and method for remote control of surveillance
2 devices," and issued 2/24/2004. The application leading to the '021 Patent was filed on 10/12/1999.
3 A true and correct copy of the '021 Patent is attached hereto as Exhibit 1 and incorporated herein by
4 reference.

5 9. The '021 Patent is valid and enforceable.

6 **COUNT 1: INFRINGEMENT OF THE '021 PATENT**
7

8 10. Secure Cam incorporates the above paragraphs herein by reference.

9 11. **Direct Infringement.** Defendant has been and continues to directly infringe one or
10 more claims of the '021 Patent in at least this District by making, using, offering to sell, selling
11 and/or importing, without limitation, at least Surveon's Video Management System (the "Exemplary
12 Surveon Products") that infringe at least exemplary claims 1 of the '021 Patent (the "Exemplary '021
13 Patent Claims") literally or by the doctrine of equivalence. On information and belief, numerous
14 other devices that infringe the claims of the '021 Patent have been made, used, sold, imported, and
15 offered for sale by Defendant and/or its customers.
16

17 12. The filing of this Complaint constitutes notice and actual knowledge in accordance
18 with 35 U.S.C. § 287.

19 13. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer for
20 sale, market, and/or import into the United States, products that infringe the '021 Patent. On
21 information and belief, Defendant has also continued to sell the Exemplary Surveon Products and
22 distribute product literature and website materials inducing end users and others to use its products
23 in the customary and intended manner that infringes the '021 Patent. Thus, on information and
24 belief, Defendant is contributing to and/or inducing the infringement of the '021 Patent.
25

26 14. **Induced Infringement.** Defendant actively, knowingly, and intentionally has been
27 and continues to induce infringement of the '021 Patent, literally or by the doctrine of equivalence,
28

1 by selling Exemplary Surveon Products to their customers for use in end-user products in a manner
2 that infringes one or more claims of the '021 Patent.

3 15. **Contributory Infringement.** Defendant actively, knowingly, and intentionally has
4 been and continues materially contribute to their own customers' infringement of the '021 Patent,
5 literally or by the doctrine of equivalence, by selling Exemplary Surveon Products to their
6 customers for use in end-user products in a manner that infringes one or more claims of the '021
7 Patent.
8

9 16. Exhibit 2 includes charts comparing the Exemplary '021 Patent Claims to the
10 Exemplary Surveon Products. As set forth in these charts, the Exemplary Surveon Products
11 practice the technology claimed by the '021 Patent. Accordingly, the Exemplary Surveon Products
12 incorporated in these charts satisfy all elements of the Exemplary '021 Patent Claims.

13 17. Secure Cam therefore incorporates by reference in its allegations herein the claim
14 charts of Exhibit 2.

15 18. Secure Cam is entitled to recover damages adequate to compensate for Defendant's
16 infringement.
17

18 **JURY DEMAND**

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

21 **PRAYER FOR RELIEF**

22
23 WHEREFORE, Secure Cam respectfully requests the following relief:

- 24 A. A judgment that the '021 Patent is valid and enforceable;
25 B. A judgment that Defendant has infringed, contributorily infringed, and/or induced
26 infringement of one or more claims of the '021 Patent;
27 C. An accounting of all damages not presented at trial;
28

- 1 D. A judgment that awards Secure Cam all appropriate damages under 35 U.S.C. § 284
2 for Defendant's past infringement, and any continuing or future infringement of the
3 Patent-in-Suit, up until the date such judgment is entered, including pre- or post-
4 judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if
5 necessary, to adequately compensate Secure Cam for Defendant's infringement, an
6 accounting:
- 7
- 8 i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and
9 that Secure Cam be awarded its reasonable attorneys' fees against Defendant that
10 it incurs in prosecuting this action;
- 11 ii. that Secure Cam be awarded costs, and expenses that it incurs in prosecuting this
12 action; and
- 13 iii. that Secure Cam be awarded such further relief at law or in equity as the Court
14 deems just and proper.
15

16
17 Dated: June 19, 2019

Respectfully submitted,

18
19 /s/ Steven A. Nielsen

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27 **Counsel for Plaintiff**
28 **Secure Cam, LLC**

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on June 19, 2019, with a copy of this email via the Court's CM/ECF system per Local Rule CV-5-1(h)(1).

/s/ Steven A. Nielsen
Steven A. Nielsen

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