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6 **IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

7 **CASSIOPEIA IP LLC,**

8 Plaintiff,

9 v.

10 **EMPIRE ELECTRONIC CORP.,**

11 Defendant.

Civil Action No.: 19-cv-1378

TRIAL BY JURY DEMANDED

12 **COMPLAINT FOR INFRINGEMENT OF PATENT**

13
14
15 Now comes, Plaintiff Cassiopeia IP LLC (“Plaintiff” or “Cassiopeia”), by
16 and through undersigned counsel, and respectfully alleges, states, and prays as
17 follows:
18

19 **NATURE OF THE ACTION**

20
21 1. This is an action for patent infringement under the Patent Laws of the
22 United States, Title 35 United States Code (“U.S.C.”) to prevent and enjoin
23 Defendant Empire Electronic Corp. (hereinafter “Defendant”), from infringing
24 and profiting, in an illegal and unauthorized manner, and without authorization
25 and/or consent from Plaintiff from U.S. Patent No. 7,322,046 (“the ‘046 Patent”
26

1 or the “Patent-in-Suit”), which is attached hereto as Exhibit A and incorporated
2 herein by reference, and pursuant to 35 U.S.C. §271, and to recover damages,
3 attorney’s fees, and costs.
4

5 **THE PARTIES**

6 2. Plaintiff is a Texas limited liability company with its principal place
7 of business at 6205 Coit Road, Suite 300-1017, Plano, Texas 75024.
8

9 3. Upon information and belief, Defendant is a corporation organized
10 under the laws of California, having a principal place of business at 5550 E Jurupa
11 St., Ontario, CA 91761. Upon information and belief, Defendant may be served
12 with process c/o: Alexander Chen, 2029 S. Business Parkway #A, Ontario, CA
13 91761.
14

15 4. Plaintiff is further informed and believes, and on that basis alleges,
16 that Defendant operates the website www.polaroid.com and/or
17 www.polaroidhdtv.com, which is in the business of providing smart TVs using
18 secure network services. Defendant derives a portion of its revenue from sales and
19 distribution via electronic transactions conducted on and using at least, but not
20 limited to, its Internet website located at www.polaroid.com and/or
21 www.polaroidhdtv.com, and its incorporated and/or related systems or products
22 (collectively the “Polaroid Websites”). Plaintiff is informed and believes, and on
23 that basis alleges, that, at all times relevant hereto, Defendant has done and
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25
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1 continues to do business in this judicial district, including, but not limited to,
2 providing products/services to customers located in this judicial district by way of
3 the Polaroid Websites.
4

5 **JURISDICTION AND VENUE**

6 5. This is an action for patent infringement in violation of the Patent Act
7 of the United States, 35 U.S.C. §§1 *et seq.*
8

9 6. The Court has subject matter jurisdiction over this action pursuant to
10 28 U.S.C. §§1331 and 1338(a).
11

12 7. This Court has personal jurisdiction over Defendant by virtue of its
13 systematic and continuous contacts with this jurisdiction and its residence in this
14 District, as well as because of the injury to Plaintiff, and the cause of action
15 Plaintiff has risen in this District, as alleged herein.
16

17 8. Defendant is subject to this Court's specific and general personal
18 jurisdiction pursuant to its substantial business in this forum, including: (i) at least
19 a portion of the infringements alleged herein; (ii) regularly doing or soliciting
20 business, engaging in other persistent courses of conduct, and/or deriving
21 substantial revenue from goods and services provided to individuals in Delaware
22 and in this judicial District; and (iii) being incorporated in this District.
23
24

25 9. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b)
26 because Defendant resides in this District under the Supreme Court's opinion in
27

1 *TC Heartland v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017) through
2 its incorporation, and regular and established place of business in this District.

3
4 **FACTUAL ALLEGATIONS**

5 10. On January 22, 2008, the United States Patent and Trademark Office
6 (“USPTO”) duly and legally issued the ‘046 Patent, entitled “METHOD AND
7 SYSTEM FOR THE SECURE USE OF A NETWORK SERVICE” after a full and
8 fair examination. The ‘046 Patent is attached hereto as Exhibit A and incorporated
9 herein as if fully rewritten.
10

11 11. Plaintiff is presently the owner of the ‘046 Patent, having received all
12 right, title and interest in and to the ‘046 Patent from the previous assignee of
13 record. Plaintiff possesses all rights of recovery under the ‘046 Patent, including
14 the exclusive right to recover for past infringement.
15
16

17 12. The invention claimed in the ‘046 Patent comprises a method for the
18 secure use of a network service using a blackboard on which all usable services are
19 entered.
20

21 13. Claim 1 of the ‘046 Patent states:

22 “1. A method for the secure use of a network service using a
23 blackboard on which all usable services are entered, the method
24 comprising the steps of: detecting a service which has not yet been
25 entered on the blackboard; executing a first check to determine
26 whether use of the service is allowed; entering the service in the
blackboard only if it is determined that use of the service is allowed;

1 loading an interface driver related to the service on the blackboard;
2 extending the loaded interface driver on the blackboard with at least
3 one security function to form a secured interface driver; loading the
4 secured interface driver related to the service prior to the first use of
5 the service; and executing a second check by a second security
6 function prior to the use of the service to determine if use of the
7 service is allowed by a user.” *See* Exhibit A.

8 14. Defendant commercializes, inter alia, methods that perform all the
9 steps recited in at least one claim of the ‘046 Patent. More particularly, Defendant
10 commercializes, inter alia, methods that perform all the steps recited in Claim 1 of
11 the ‘046 Patent. Specifically, Defendant makes, uses, sells, offers for sale, or
12 imports a method that encompasses that which is covered by Claim 1 of the ‘046
13 Patent.
14

15 DEFENDANT’S PRODUCTS

16 15. Defendant offers solutions, such as the “Polaroid 4K Ultra HD Smart
17 TV with HDR - 55”” (the “Accused Instrumentality”), that enables a method for
18 the secure use of a network service using a blackboard on which all usable services
19 are entered. For example, the Accused Instrumentality performs the method for the
20 secure use of a network service using a blackboard on which all usable services are
21 entered. A non-limiting and exemplary claim chart comparing the Accused
22 Instrumentality to Claim 1 of the ‘046 Patent is attached hereto as Exhibit B and is
23 incorporated herein as if fully rewritten.
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1 16. As recited in Claim 1, upon information and belief and at least testing
2 and usage, the Accused Instrumentality practices a method for secure use of a
3 network service (e.g., casting via DIAL onto various applications on the TV) using
4 a blackboard (e.g., a software/hardware component that stores all available devices
5 and applications you can cast to) on which all usable services (e.g., DIAL
6 casting/streaming devices and applications) are entered. *See* Exhibit B.
7
8

9 17. As recited in one step of Claim 1, upon information and belief, the
10 Accused Instrumentality supports casting from a smartphone via DIAL. The
11 Accused Instrumentality comes preloaded with Netflix and YouTube which utilize
12 DIAL for casting. The DIAL protocol allows a client (e.g. a smartphone) to
13 discover DIAL servers (e.g. the Accused Instrumentality) and access DIAL
14 services (e.g. ability to cast onto and activate applications on the Accused
15 Instrumentality). On information and belief, the Accused Instrumentality must
16 utilize a blackboard (e.g. database or lookup table) that stores services. *See* Exhibit
17 B.
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21 18. As recited in another step of Claim 1, upon information and belief, the
22 Accused Instrumentality utilizes a system in which a service which has not yet
23 been entered on a blackboard is detected. A DIAL client (e.g. a smartphone) will
24 send out an M-SEARCH to discover DIAL enabled TVs/servers. In response, the
25 DIAL enabled TV will send a response with a location header that includes an
26

1 HTTP URL that hold an UPnP description of the TV. The DIAL client (e.g. a
2 smartphone) will then send an HTTP GET message to the HTTP URL in the
3 location header. If the HTTP GET is sent to the correct HTTP URL originally
4 provided by the DIAL enabled TV, the TV will send the DIAL client (e.g. a
5 smartphone) a DIAL REST SERVICE URL that identifies the services (e.g.
6 applications that can be used such as Netflix or YouTube) a client can utilize. The
7 applications will be represented as resources identified by URLs known as
8 Application resource URLs. As such, the DIAL REST SERVICE will then be
9 added to a list of available services that was previously not discovered. *See Exhibit*

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12
13 B.

14 19. As recited in another step of Claim 1, upon information and belief, the
15 Accused Instrumentality utilizes a system in which a first check is executed to
16 determine whether a user of the service is allowed. A DIAL client sends out an M-
17 SEARCH that defines particular services that the client is looking for. A UPnP
18 device will only respond to this request if they provide services that the client is
19 searching for. This serves as a first check that ensures that the services provided by
20 a DIAL server responding to the client can in fact be used by the client. *See Exhibit*

21
22
23 B.

24 20. As recited in another step of Claim 1, upon information and belief, the
25 Accused Instrumentality will only enter the service (e.g. access to a DIAL server

1 and its services) in the blackboard (e.g. a database or list of available
2 servers/services) only if it is determined that the use of the service is allowed (e.g.
3 the server/service responding to a client request matches the service defined in the
4 request). *See* Exhibit B.

6 21. As recited in another step of Claim 1, upon information and belief, the
7 Accused Instrumentality utilizes a system that loads an interface driver related to
8 the service on the blackboard (e.g. the client's receipt of a DIAL REST SERVICE
9 URL that identifies the services that can be provided by a DIAL server/TV and
10 which further contains Application Resource URLs). The client's receipt of the
11 DIAL REST SERVICE URL and the contained Application Resource URLs
12 allows the client to interface with the DIAL server/TV in order to launch a
13 service/application on the said DIAL server/TV, since operations related to an
14 application are performed by HTTP request to said Application Resource URLs). a
15 DIAL client (e.g. a smartphone) will send out an M-SEARCH to discover DIAL
16 enabled TVs/servers. In response, the DIAL enabled TV will send a response with
17 a location header that includes an HTTP URL that holds an UPnP description of
18 the TV. The DIAL client (e.g. a smartphone) will then send and HTTP GET
19 message to the HTTP URL in the location header. If the HTTP GET is sent to the
20 correct HTTP URL originally provided by the DIAL enabled TV, the TV will send
21 the DIAL client (e.g. a smartphone) a DIAL REST SERVICE URL that identifies
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27 COMPLAINT FOR INFRINGEMENT OF PATENT

1 the services (e.g. applications that can be used such as Netflix or YouTube) a client
2 can utilize. The applications will be represented as resources identified by URLs
3
4 known as Application Resource URLs. *See* Exhibit B.

5 22. As recited in another step of Claim 1, upon information and belief, the
6 Accused Instrumentality practices extending the loaded interface driver (e.g., the
7 Application Resource URL that identifies an application will be used by the client
8 to send an HTTP GET request) on the blackboard (e.g., a software/hardware
9 component which logs services and service software) with at least one security
10 function (e.g., a check to determine that an HTTP GET request is valid and that the
11 Application Name included in the request is recognized) to form a secured
12 interface driver (e.g., upon validation that an HTTP GET request is valid and that
13 an Application Name is recognized, the system will allow the client to load the
14 desired application on the DIAL server/TV). *See* Exhibit B.

15 23. As recited in another step of Claim 1, upon information and belief, the
16 Accused Instrumentality the accused product loads an interface driver by providing
17 a DIAL REST Service that contains Application Resource URLs. The DIAL REST
18 Service and its contained Application Resource URLs are considered an interface
19 driver because they allow for the DIAL client to interface with the DIAL
20 server/TV. The interface driver, in this case the DIAL REST Service and its
21 contained Application Resource URLs, are extended with a security function when

1 the Application Resource URL is further combined with an HTTP GET request
2 which is then subject to a validation of the request itself and the Application Name
3 it contains. If the validations are successful, the DIAL server will execute the
4 desired application (e.g. Netflix or YouTube) and send a confirmation of the
5 execution. *See Exhibit B.*
6

7
8 24. As recited in another step of Claim 1, upon information and belief, the
9 Accused Instrumentality loads the secured interface driver related to the service
10 prior to the first use of the service (e.g. upon validation of an HTTP GET request
11 and its contained Application Name, the DIAL server/TV will launch a desired
12 application (e.g. Netflix or YouTube) that will then allow a DIAL client (e.g. a
13 smartphone) to cast a program onto the application (e.g. the Netflix or YouTube
14 application on a DIAL server/TV) using said client device) and executing a second
15 check by a second security function prior to the use of the service to determine if
16 use of the service is allowed by a user (e.g. before the application can be used on
17 the DIAL server/TV, the user must be logged into their account on the DIAL
18 server/TV's version of the application as well). The DIAL protocol outlines that an
19 application, as it exists on a DIAL enabled TV, will be launched after the
20 successful validation of an HTTP GET request and its contained Application
21 Name. The TV version of the application must be launched before casting services
22 can be used. *See Exhibit B.*
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1 25. The elements described in paragraphs 15-24 are covered by at least
2 Claim 1 of the '046 Patent. Thus, Defendant's use of the Accused Instrumentality
3 is enabled by the method described in the '046 Patent.
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5 **INFRINGEMENT OF THE '046 PATENT**

6 26. Plaintiff realleges and incorporates by reference all of the allegations
7 set forth in the preceding Paragraphs.
8

9 27. In violation of 35 U.S.C. § 271, Defendant is now, and has been
10 directly infringing the '046 Patent.
11

12 28. Defendant has had knowledge of infringement of the '046 Patent at
13 least as of the service of the present Complaint.

14 29. Defendant has directly infringed and continues to directly infringe at
15 least one claim of the '046 Patent by using, at least through internal testing or
16 otherwise, the Accused Instrumentality without authority in the United States, and
17 will continue to do so unless enjoined by this Court. As a direct and proximate
18 result of Defendant's direct infringement of the '046 Patent, Plaintiff has been and
19 continues to be damaged.
20
21

22 30. By engaging in the conduct described herein, Defendant has injured
23 Plaintiff and is thus liable for infringement of the '046 Patent, pursuant to 35
24 U.S.C. § 271.
25
26

1 31. Defendant has committed these acts of infringement without license
2 or authorization.

3
4 32. As a result of Defendant's infringement of the '046 Patent, Plaintiff
5 has suffered monetary damages and is entitled to a monetary judgment in an
6 amount adequate to compensate for Defendant's past infringement, together with
7 interests and costs.

8
9 33. Plaintiff will continue to suffer damages in the future unless
10 Defendant's infringing activities are enjoined by this Court. As such, Plaintiff is
11 entitled to compensation for any continuing and/or future infringement up until the
12 date that Defendant is finally and permanently enjoined from further infringement.

13
14 34. Plaintiff reserves the right to modify its infringement theories as
15 discovery progresses in this case; it shall not be estopped for infringement
16 contention or claim construction purposes by the claim charts that it provides with
17 this Complaint. The claim chart depicted in Exhibit B is intended to satisfy the
18 notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure and
19 does not represent Plaintiff's preliminary or final infringement contentions or
20 preliminary or final claim construction positions.
21
22

23 **DEMAND FOR JURY TRIAL**

24
25 35. Plaintiff demands a trial by jury of any and all causes of action.
26

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

a. That Defendant be adjudged to have directly infringed the '046 Patent either literally or under the doctrine of equivalents;

b. An accounting of all infringing sales and damages including, but not limited to, those sales and damages not presented at trial;

c. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly infringing the '046 Patent;

d. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate Plaintiff for the Defendant's past infringement and any continuing or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement, including compensatory damages;

e. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;

1 f. That Defendant be directed to pay enhanced damages, including
2 Plaintiff's attorneys' fees incurred in connection with this lawsuit pursuant to
3 35 U.S.C. §285; and
4

5 g. That Plaintiff be granted such other and further relief as this Court
6 may deem just and proper.
7

8 Dated: July 26, 2019

Respectfully submitted,

9
10 OF COUNSEL:

11 SAND, SEBOLT & WERNOW CO.,
12 LPA

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