

1 Steven A. Nielsen  
100 Larkspur Landing Circle, Suite 216  
Larkspur, CA 94939  
2 415-272-8210  
Steve@NielsenPatents.com  
3

4 Isaac Rabicoff  
(Pro Hac Vice Motion to be Filed)  
5 RABICOFF LAW LLC  
73 W Monroe St  
6 Chicago, IL 60603  
773-669-4590  
7 [isaac@rabilaw.com](mailto:isaac@rabilaw.com)

8 **Attorneys for Plaintiff**  
9 **Secure Cam, LLC**

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 **Secure Cam, LLC,**  
13 **Plaintiff,**  
14 **v.**  
15 **DJI Technology, Inc.,**  
16 **Defendant.**  
17

**Case No. 5:19-cv-02640 - LHK**  
**Patent Case**  
**Jury Trial Demanded**

18  
19 **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

20 Plaintiff Secure Cam, LLC ("Secure Cam"), through its attorneys, complains of DJI  
21 Technology, Inc. ("DJI"), and alleges the following:  
22

23 **PARTIES**

24 1. Plaintiff Secure Cam, LLC is a corporation organized and existing under the laws  
25 of Wyoming that maintains its principal place of business at 30 N. Gould St. STE R, Sheridan,  
26 WY 82801.  
27  
28



**The '158 Patent**

8. The '158 Patent is entitled "System for transmitting video images over a computer network to a remote receiver," and issued 8/14/2007. The application leading to the '158 Patent was filed on 5/17/1999, which ultimately claims priority from provisional application number 60/085,818, filed on 5/18/1998. A true and correct copy of the '158 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

9. The '158 Patent is valid and enforceable.

**CLAIM 12 OF THE PATENT-IN-SUIT**

10. The asserted claim 12 recites the following:

Claim 12
<p>A system for transmitting a real-time video and remote control commands over a digital network, said system comprising:</p> <ul style="list-style-type: none"> <li>a) a transmitter containing one or more digitized frames of said real-time video being transmitted,</li> <li>b) the digital network connected to said transmitter, and</li> <li>c) one or more remote receivers connected to said network for receiving said video from said transmitter,</li> </ul> <p>wherein at least one of said receivers is configured to receive one or more control commands from a user,</p> <p>wherein said transmitter is configured to receive and interpret at least one of said control commands from said one of said receivers over said network, and</p> <p>wherein, upon interpretation of said control command, said transmitter dynamically changes the operation of said transmitter while said video is being transmitted, whereby said user can remotely control the operation of said transmitter in substantially real-time.</p>

11. As noted in the section above, the Patent-in-Suit has a priority date of **May 18, 1998**.

**CLAIM 12 CAPTURES AN INVENTIVE CONCEPT, FURTHER DESCRIBED IN THE SPECIFICATION**

1  
2 12. The Patent-in-Suit solves a technical problem in the prior art. Prior art video  
3 communication systems lacked any means by which to remotely supervise, communicate, or—  
4 mostly relevantly—dynamically interact with other people over long distances; the Patent-in-Suit  
5 tackles this very problem. See '158 patent, 2:16-19 (“A method of and apparatus for transmitting  
6 video images preferably allows a specially trained individual to remotely supervise, instruct, and  
7 observe administration of medical tests conducted at remote locations.”); *see also id.*, 2:7-12.

8  
9 13. The claimed video communication system is unconventional and captures this  
10 inventive concept, among others: allowing a “remote receiver” to issue “control commands” to a  
11 “transmitter”, “dynamically changing the operation of [that] transmitter” “in substantially real-  
12 time” *while* it transmits real-time video. *See, e.g.*, '158 patent, claim 12.

13 14. And the specification describes how this claimed inventive concept can be  
14 implemented. For example, how the “transmitter” achieves “real-time” video transmission to the  
15 “remote receiver(s)”. *See, e.g.*, '158 patent, 3:52-4:5; *see also* 5:8-49 (to avoid bandwidth issues in  
16 transmitting video, showing how to dynamically compress and transmit video in a real-time); *see*  
17 *also id.*, 10:19-55 (describing another embodiment of video compression: a look-up table  
18 representing software code used for compressing real-time video).

19  
20 15. And, relatedly, the data structure of the “digitized frames” of real-time video sent  
21 by the “transmitter”. *See, e.g.*, '158 patent, 10:56-11:28.

22 16. The specification also describes how the “remote receiver(s)” receive video  
23 information from the “transmitter” and “control the operation of said transmitter”. *See* '158 patent,  
24 6:10-27; *see also id.*, Fig 2.

**COUNT 1: INFRINGEMENT OF THE '158 PATENT**

25  
26  
27 17. Secure Cam incorporates the above paragraphs herein by reference.

1           18.     **Direct Infringement.** Defendant has been and continues to directly infringe one or  
2 more claims of the '158 Patent in at least this District by making, using, offering to sell, selling  
3 and/or importing, without limitation, at least DJI's Inspire 2 (among the "Exemplary DJI  
4 Products") that infringe at least exemplary claim 12 of the '158 Patent (the "Exemplary '158 Patent  
5 Claims") literally or by the doctrine of equivalence. On information and belief, numerous other  
6 devices that infringe the claims of the '158 Patent have been made, used, sold, imported, and  
7 offered for sale by Defendant and/or its customers.

8  
9           19.     Defendant also has and continues to directly infringe, literally or under the doctrine  
10 of equivalents, the Exemplary '158 Patent Claims, by having its employees internally test and use  
11 these Exemplary Products.

12           20.     **Willful Infringement.** The filing the original Complaint upon Defendant, on May  
13 15, 2019, constitutes actual knowledge of infringement as alleged here. And on May 11, 2018,  
14 prior to the filing of this complaint, Defendant received a letter with an attached claim chart  
15 imparting actual knowledge of the '158 Patent and that its Exemplary DJI Products and the  
16 products incorporating them are imported into, sold, offered for sale, and used in the United  
17 States. In addition to actual knowledge of the '158 Patent, prior to the filing of this complaint, DJI  
18 also had knowledge that the Exemplary DJI Products, and the use by consumers of those products,  
19 in the customary and intended manner, is likely to infringe the '158 Patent.

20  
21           21.     Despite such actual knowledge, Defendant continues to make, use, test, sell, offer  
22 for sale, market, and/or import into the United States, products that infringe the '158 Patent. On  
23 information and belief, Defendant has also continued to sell the Exemplary DJI Products and  
24 distribute product literature and website materials inducing end users and others to use its products  
25 in the customary and intended manner that infringes the '158 Patent. Thus, on information and  
26 belief, Defendant is contributing to and/or inducing the infringement of the '158 Patent.  
27  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- C. A judgement that Defendant has willfully infringed one or more claims of the '158 Patent, and that Plaintiff is entitled to treble damages;
- D. An accounting of all damages not presented at trial;
- E. A judgment that awards Secure Cam all appropriate damages under 35 U.S.C. § 284 for Defendant'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 Secure Cam for Defendant's infringement, an accounting:
  - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that Secure Cam be awarded its reasonable attorneys' fees against Defendant that it incurs in prosecuting this action;
  - ii. that Secure Cam be awarded costs, and expenses that it incurs in prosecuting this action; and
  - iii. that Secure Cam be awarded such further relief at law or in equity as the Court deems just and proper.

Dated: August 19, 2019

Respectfully submitted,

/s/ Steven A. Nielsen  
 Steven A. Nielsen  
 NIELSEN PATENTS  
 100 Larkspur Landing Circle, Suite 216  
 Larkspur, CA 94939  
 415-272-8210  
 Steve@NielsenPatents.com

Isaac Rabicoff  
*(Pro Hac Vice Motion to be Filed)*  
**Rabicoff Law LLC**  
 73 W Monroe St  
 Chicago, IL 60603  
 (773) 669-4590

[isaac@rabilaw.com](mailto:isaac@rabilaw.com)

**Counsel for Plaintiff  
Secure Cam, LLC**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28