| | Case 3:19-cv-02287-TSH Document 21 File | ed 08/23/19 Page 1 of 8 | | | | |
|---|--|---|--|--|--|--|
| 1 2 3 4 5 6 7 8 9 | Steven A. Nielsen (CSB 133864) 100 Larkspur Landing Circle, Suite 216 Larkspur, CA 94939 415-272-8210 Steve@NielsenPatents.com Isaac Rabicoff (<i>Pro Hac Vice Motion to be Filed</i>) RABICOFF LAW LLC 73 W Monroe St Chicago, IL 60603 773-669-4590 isaac@rabilaw.com Attorneys for Plaintiff Pebble Tide LLC | | | | | |
| 10 | IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA | | | | | |
| 11 12 | FOR THE NORTHERN DISTR | | | | | |
| 12 | Pebble Tide LLC, | Case No. 3:19-cv-02287 - LB | | | | |
| 14 | Plaintiff, | Patent Case | | | | |
| 15 | v. | Jury Trial Demanded | | | | |
| 16 | Logitech Inc., | | | | | |
| 17 | Defendant. | | | | | |
| 18 | | | | | | |
| 19 | FIRST AMENDED COMPLAINT FOR | PATENT INFRINGEMENT | | | | |
| 20 21 | Plaintiff Pebble Tide LLC ("Pebble Tide"), three | ough its attorneys, complains of Logitech | | | | |
| 21 | Inc. ("Logitech"), and alleges the following: | | | | | |
| 23 | PARTIES | | | | | |
| 24 | PARTIES 1. Plaintiff Pebble Tide LLC is a corporation organized and existing under the laws of | | | | | |
| 25 | | | | | | |
| 26 | Texas that maintains its principal place of business at 5570 FM423, Suite 250-2023, Frisco, TX | | | | | |
| 27 | 75036. | | | | | |
| 28 | | | | | | |
| | First Amended Complaint with Jury Demand | | | | | |
| | | | | | | |

| 1 | 2. Defendant Logitech Inc. is a corporation organized under the laws of California | | | | | |
|----|---|--|--|--|--|--|
| 2 | that maintains its principal place of business at 7700 Gateway Blvd., Newark, CA 94560. | | | | | |
| 3 | | | | | | |
| 4 | JURISDICTION | | | | | |
| 5 | 3. This is an action for patent infringement arising under the patent laws of the United | | | | | |
| 6 | States, Title 35 of the United States Code. | | | | | |
| 7 | 4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and | | | | | |
| 8 | 1338(a). | | | | | |
| 9 | 5. This Court has personal jurisdiction over Defendant because it has engaged in | | | | | |
| 10 | systematic and continuous business activities in this District. As described below, Defendant has | | | | | |
| 11 | committed acts of patent infringement giving rise to this action within this District. | | | | | |
| 12 | | | | | | |
| 13 | VENUE | | | | | |
| 14 | 6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant has | | | | | |
| 15 | committed acts of patent infringement in this District, has an established place of business in this | | | | | |
| 16 | District, and is incorporated in this District's state. In addition, Pebble Tide has suffered harm in | | | | | |
| 17 | this district. | | | | | |
| 18 | PATENTS-IN-SUIT | | | | | |
| 19 | | | | | | |
| 20 | 7. Pebble Tide is the assignee of all right, title and interest in United States Patent | | | | | |
| 21 | Nos. 10,261,739 (the "'739 Patent"); 10,303,411 (the "'411 Patent"); (collectively the "Patents-in- | | | | | |
| 22 | Suit"); including all rights to enforce and prosecute actions for infringement and to collect | | | | | |
| 23 | damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Pebble Tide | | | | | |
| 24 | possesses the exclusive right and standing to prosecute the present action for infringement of the | | | | | |
| 25 | Patents-in-Suit by Defendant. | | | | | |
| 26 | | | | | | |
| 27 | | | | | | |
| 28 | | | | | | |
| | 2 | | | | | |
| | First Amended Complaint with Jury Demand | | | | | |

| 1 | The '739 Patent8.The '739 Patent is entitled "System for capturing and outputting digital content over | | | | | |
|----------|--|--|--|--|--|--|
| 2 | a network that includes the internet," and issued 4/16/2019. The application leading to the '739 | | | | | |
| 3 | Batent was filed on 3/15/2018. A true and correct copy of the '739 Patent is attached hereto a | | | | | |
| 5 | Exhibit 1 and incorporated herein by reference. | | | | | |
| 6 | 9. The '739 Patent is valid and enforceable. | | | | | |
| 7 | The '411 Patent | | | | | |
| 8 | 10. The '411 Patent is entitled "Method for capturing, storing, accessing, and outputting | | | | | |
| 9 | digital content," and issued 5/28/2019. The application leading to the '411 Patent was filed on | | | | | |
| 10 | 3/16/2018. A true and correct copy of the '411 Patent is attached hereto as Exhibit 2 and | | | | | |
| 11 12 | incorporated herein by reference. | | | | | |
| 12 | 11. The '411 Patent is valid and enforceable. | | | | | |
| 14 | PROBLEMS IN THE PRIOR ART SOLVED BY THE PATENTS-IN-SUIT, AND INVENTIVE CONCEPTS | | | | | |
| 15 | DESCRIBED IN THE SPECIFICATION AND CAPTURED IN THE CLAIMS | | | | | |
| 16 | 12. THE DECLARATION OF INVENTOR WILLIAM HO CHANG provides expert testimony | | | | | |
| 17 | demonstrating, among other things, problems in the prior art solved by the Patents-in-Suit, and | | | | | |
| 18 | inventive concepts described in the specification and captured in the claims. <i>See</i> Exhibit 5. | | | | | |
| 19 | 13. Pebble Tide therefore incorporates THE DECLARATION OF INVENTOR WILLIAM HO | | | | | |
| 20 | CHANG, attached hereto as Exhibit 5, into the pleadings here. See Exhibit 5. | | | | | |
| 21 | Count 1: Infringement of the '739 Patent | | | | | |
| 22 | 14. Pebble Tide incorporates the above paragraphs herein by reference. | | | | | |
| 23 | 15. Direct Infringement. Defendant has been and continues to directly infringe one or | | | | | |
| 24 25 | more claims of the '739 Patent in at least this District by making, using, offering to sell, selling | | | | | |
| 23 26 | and/or importing, without limitation, at least Logitech Circle 2 home security camera (among the | | | | | |
| 27 | "Exemplary Logitech Products") that infringe at least exemplary claims 1-2, 4-8 of the '739 Patent | | | | | |
| 28 | | | | | | |
| | 3 First Amended Complaint with Jury Demand | | | | | |
| | | | | | | |

Case 3:19-cv-02287-TSH Document 21 Filed 08/23/19 Page 4 of 8

1

2

3

4

5

6

7

8

9

22

28

(the "Exemplary '739 Patent Claims") literally or by the doctrine of equivalence. On information and belief, numerous other devices that infringe the claims of the '739 Patent have been made, used, sold, imported, and offered for sale by Defendant and/or its customers.

16. Defendant also has and continues to directly infringe, literally or under the doctrine of equivalents, the Exemplary '739 Patent Claims, by having its employees internally test and use these Exemplary Products.

17. The filing of the original Complaint, on April 26, 2019, constituted notice and actual knowledge of infringed as alleged here. D.I. 1.

18. **Willful Infringement**. Despite such actual knowledge, Defendant continues to 10 11 make, use, test, sell, offer for sale, market, and/or import into the United States, products that 12 infringe the '739 Patent. On information and belief, Defendant has also continued to sell the 13 Exemplary Logitech Products and distribute product literature and website materials inducing end 14 users and others to use its products in the customary and intended manner that infringes the '739 15 Patent. Thus, on information and belief, Defendant is contributing to and/or inducing the 16 infringement of the '739 Patent. 17

19. **Induced Infringement.** Defendant actively, knowingly, and intentionally has been 18 19 and continues to induce infringement of the '739 Patent, literally or by the doctrine of equivalence, 20 by selling Exemplary Logitech Products to their customers for use in end-user products in a 21 manner that infringes one or more claims of the '739 Patent.

20. **Contributory Infringement.** Defendant actively, knowingly, and intentionally has 23 been and continues materially contribute to their own customers' infringement of the '739 Patent, 24 literally or by the doctrine of equivalence, by selling Exemplary Logitech Products to their 25 26 customers for use in end-user products in a manner that infringes one or more claims of the '739 27 Patent.

| 1 | 21. Exhibit 3 includes charts comparing the Exemplary '739 Patent Claims to the | | | | | | |
|----------|--|--|--|--|--|--|--|
| 2 | Exemplary Logitech Products. As set forth in these charts, the Exemplary Logitech Products | | | | | | |
| 3 | practice the technology claimed by the '739 Patent. Accordingly, the Exemplary Logitech | | | | | | |
| 4 | Products incorporated in these charts satisfy all elements of the Exemplary '739 Patent Claims. | | | | | | |
| 5 | 22. Pebble Tide therefore incorporates by reference in its allegations herein the claim | | | | | | |
| 6 | charts of Exhibit 3. | | | | | | |
| 7 8 | 23. Pebble Tide is entitled to recover damages adequate to compensate for Defendant | | | | | | |
| 9 | infringement. | | | | | | |
| 10 | COUNT 2: INFRINGEMENT OF THE '411 PATENT | | | | | | |
| 11 | 24. | Pebble Tide incorporates the above paragraphs herein by reference. | | | | | |
| 12 | 25. | Direct Infringement. Defendant has been and continues to directly infringe one or | | | | | |
| 13 | more claims of the '411 Patent in at least this District by making, using, offering to sell, selling | | | | | | |
| 14 | and/or importing, without limitation, at least the Exemplary Logitech Products that infringe at | | | | | | |
| 15 16 | least exemplary claims 1-6, 9-10, 13-14, 17-18 of the '411 Patent (the "Exemplary '411 Patent | | | | | | |
| 17 | Claims") literally or by the doctrine of equivalence. On information and belief, numerous other | | | | | | |
| 18 | devices that infringe the claims of the '411 Patent have been made, used, sold, imported, and | | | | | | |
| 19 | offered for sale by Defendant and/or its customers. | | | | | | |
| 20 | 26. | Defendant also has and continues to directly infringe, literally or under the doctrine | | | | | |
| 21 | of equivalents, the Exemplary '411 Patent Claims, by having its employees internally test and use | | | | | | |
| 22 | these Exemplary Products. | | | | | | |
| 23 24 | 27. | The filing of the original Complaint, on April 26, 2019, constituted notice and | | | | | |
| 25 | actual knowledge of infringed as alleged here. D.I. 1. | | | | | | |
| 26 | 28. | Willful Infringement. Despite such actual knowledge, Defendant continues to | | | | | |
| 27 | make, use, test, sell, offer for sale, market, and/or import into the United States, products that | | | | | | |
| 28 | | ~ | | | | | |
| | | 5 First Amended Complaint with Jury Demand | | | | | |
| | | | | | | | |

Case 3:19-cv-02287-TSH Document 21 Filed 08/23/19 Page 6 of 8

infringe the '411 Patent. On information and belief, Defendant has also continued to sell the Exemplary Logitech Products and distribute product literature and website materials inducing end 3 users and others to use its products in the customary and intended manner that infringes the '411 4 Patent. Thus, on information and belief, Defendant is contributing to and/or inducing the 5 infringement of the '411 Patent.

6 29. **Induced Infringement.** Defendant actively, knowingly, and intentionally has been 7 and continues to induce infringement of the '411 Patent, literally or by the doctrine of equivalence, 8 by selling Exemplary Logitech Products to their customers for use in end-user products in a 9 manner that infringes one or more claims of the '411 Patent. 10

11 30. **Contributory Infringement.** Defendant actively, knowingly, and intentionally has 12 been and continues materially contribute to their own customers' infringement of the '411 Patent, 13 literally or by the doctrine of equivalence, by selling Exemplary Logitech Products to their 14 customers for use in end-user products in a manner that infringes one or more claims of the '411 15 Patent. 16

31. Exhibit 4 includes charts comparing the Exemplary '411 Patent Claims to the 17 18 Exemplary Logitech Products. As set forth in these charts, the Exemplary Logitech Products 19 practice the technology claimed by the '411 Patent. Accordingly, the Exemplary Logitech 20 Products incorporated in these charts satisfy all elements of the Exemplary '411 Patent Claims. 21

32. Pebble Tide therefore incorporates by reference in its allegations herein the claim 22 charts of Exhibit 4.

- 33. Pebble Tide is entitled to recover damages adequate to compensate for Defendant's 24 infringement. 25
- 26

23

1

2

27 28

| | Case 3: | 19-cv-02287-TSH Document 21 Filed 08/23/19 Page 7 of 8 | | | | | |
|----------|--|--|--|--|--|--|--|
| | | | | | | | |
| 1 | | JURY DEMAND | | | | | |
| 2 | 34. | Under Rule 38(b) of the Federal Rules of Civil Procedure, Pebble Tide respectfully | | | | | |
| 3 | requests a trial by jury on all issues so triable. | | | | | | |
| 4 | PRAYER FOR RELIEF | | | | | | |
| 5 | WHEREFORE, Pebble Tide respectfully requests the following relief: | | | | | | |
| 6 | A. | A judgment that the '739 Patent is valid and enforceable; | | | | | |
| 7 8 | B. | A judgment that the '411 Patent is valid and enforceable; | | | | | |
| 0 9 | C. | A judgment that Defendant has infringed, contributorily infringed, and/or induced | | | | | |
| 10 | | infringement of one or more claims of the '739 Patent; | | | | | |
| 11 | D. | A judgement that Defendant has willfully infringed one or more claims of the '739 | | | | | |
| 12 | | Patent, and that Plaintiff is entitled to treble damages; | | | | | |
| 13 | E. | A judgment that Defendant has infringed, contributorily infringed, and/or induced | | | | | |
| 14 | | infringement of one or more claims of the '411 Patent; | | | | | |
| 15 16 | F. | A judgement that Defendant has willfully infringed one or more claims of the '411 | | | | | |
| 17 | | Patent, and that Plaintiff is entitled to treble damages; | | | | | |
| 18 | G. | An accounting of all damages not presented at trial; | | | | | |
| 19 | Н. | A judgment that awards Pebble Tide all appropriate damages under 35 U.S.C. § 284 | | | | | |
| 20 | | for Defendant's past infringement, and any continuing or future infringement of the | | | | | |
| 21 | | Patents-in-Suit, up until the date such judgment is entered, including pre- or post- | | | | | |
| 22 | | judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, | | | | | |
| 23 | | if necessary, to adequately compensate Pebble Tide for Defendant's infringement, an | | | | | |
| 24 | | accounting: | | | | | |
| 25 26 | | accounting. | | | | | |
| 26 | | | | | | | |
| 27 28 | | | | | | | |
| 20 | | 7 | | | | | |
| | First Amended Complaint with Jury Demand | | | | | | |
| | 1 | | | | | | |

| | Case 3:19- | cv-02287-TSH | Document 21 | Filed 08/23/19 | Page 8 of 8 |
|---|------------------------------------|--|--|--|--|
| 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 | i. i. ii. Dated: August 2 | that this case be that Pebble Tide it incurs in prose that Pebble Tide action; and that Pebble Tide deems just and p | e declared except e be awarded its r ecuting this action e be awarded cos e be awarded suc | ional within the m reasonable attorned on; ts, and expenses t h further relief at Respectfully su <u>/s/ Steven A. N</u> 100 Larkspur I Larkspur, CA 9 415-272-8210 <u>Steve@Nielsen</u> / <u>s/ Isaac P. Rabico</u> (<i>Pro Hac Vice</i> isaac@rabilaw. Rabicoff Law I 73 W. Monroe Chicago, IL 60 | heaning of 35 U.S.C. § 285 and eys' fees against Defendant that hat it incurs in prosecuting this law or in equity as the Court abmitted, <u>ielsen</u> anding Circle, Suite 216 04939 Patents.com <u>bicoff</u> off <i>Motion to be Filed</i>) com LC St. 603 |
| 21 | | | | (773) 669-4590 Counsel for Pl | |
| 22 23 | | | | | |
| 23 | | | | | |
| 25 | | | | | |
| 26 | | | | | |
| 27 | | | | | |
| 28 | | | | | |
| | | First Amended Complaint with Jury Demand | | | |
| | | - 11 | | | * |