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11 Attorneys for Plaintiff,
 SIPCO, LLC

12 **UNITED STATES DISTRICT COURT**
 13 **CENTRAL DISTRICT OF CALIFORNIA**
 14 **SOUTHERN DIVISION**

16 SIPCO, LLC, a Georgia limited liability
 company,

17 Plaintiff,

18 v.

19 TP-LINK USA CORPORATION, a
 20 California corporation,

21 Defendant.

Case No. 8:20-cv-00543

**COMPLAINT FOR PATENT
 INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff SIPCO, LLC (“SIPCO” or “Plaintiff”), for its Complaint against TP-
2 Link USA Corporation (“TP-Link” or “Defendant”) alleges the following:

3 **I. NATURE OF THE ACTION**

4 1. This is an action for patent infringement of United States Patent Nos.
5 7,263,073 (the “’073 Patent”), 7,697,492 (the “’492 Patent”), 7,103,511 (the “’511
6 Patent”), 8,924,587 (the “’587 Patent”), 8,924,588 (the “’588 Patent”), 8,964,708 (the
7 “’708 Patent”), 6,914,893 (the “’893 Patent”) (collectively, the “Patents-in-Suit”),
8 arising under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*, seeking
9 damages and other relief under 35 U.S.C. § 281, *et seq.*

10 **II. THE PARTIES**

11 2. Plaintiff is a limited liability company organized and existing under the
12 laws of the State of Georgia with a principal office at 235 Peachtree Street NE, Suite
13 400, Atlanta, GA, 30303.

14 3. Upon information and belief, Defendant is a corporation organized under
15 the laws of California with a registered agent, Deyi Shu, located at 145 South State
16 College Boulevard, Suite 400, Brea, CA 92821.

17 4. Upon information and belief, Defendant sells and offers to sell products
18 and services throughout the United States, including in this District, and introduces
19 products and services into the stream of commerce and that incorporate infringing
20 technology knowing that they would be sold in this District and elsewhere in the
21 United States.

22 5. Upon information and belief, Defendant conducts a significant,
23 persistent and regular amount of business in this District through product sales by its
24 distributors, customers, and resellers and through online marketing, and derives
25 substantial revenue from such business.

26 6. Upon information and belief, Defendant has a principal office, its United
27 States headquarters, in this District located at 145 South State College Boulevard,
28 Suite 400, Brea CA 92821.

1 **III. JURISDICTION AND VENUE**

2 7. This is an action for patent infringement arising under the Patent Laws
3 of the United States, Title 35 of the United States Code.

4 8. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
5 1338(a).

6 9. Venue is proper in this District under 28 U.S.C. § 1400(b) as the
7 Defendant is a California corporation.

8 10. Upon information and belief, this Court has personal jurisdiction over
9 Defendant because it is incorporated in California and has purposefully availed itself
10 of the privileges and benefits of the laws of the State of California. Further, Defendant
11 is subject to this Court's general and specific personal jurisdiction because Defendant
12 has sufficient minimum contacts within the State of California, pursuant to due
13 process and/or the California Long Arm Statute, because Defendant purposefully
14 availed itself of the privileges of conducting business in the State of California, and
15 because Plaintiff's causes of action arise directly from Defendant's business contacts
16 and other activities in the State of California, including regularly doing or soliciting
17 business and deriving substantial revenue from products and services provided to
18 individuals in this District. Furthermore, Defendant's United States headquarters is
19 located within this district. The exercise of jurisdiction over Defendant would not
20 offend traditional notions of fair play and substantial justice.

21 **IV. BACKGROUND**

22 11. SIPCO is a small research, development and technology company
23 originally based in Atlanta, Georgia. T. David Petite was its founding member.

24 12. In the 1990s, through his own individual research and development
25 efforts, Mr. Petite invented a large number of wireless control and distribution
26 technology applications. The inventions resulting from Mr. Petite's efforts include,
27 but are not limited to, various ways of moving data as economically and seamlessly
28 as possible over both wired and wireless networks.

1 13. Through the 1990s and early 2000s investors contributed tens of millions
2 of dollars for technology development and implementation of networks. Clients
3 included Georgia Power, Alabama Power, Newnan Utilities GA, Johnson Controls,
4 Synovus Bank, and Grand Court Lifestyles residential living facilities.

5 14. After proving that the technology worked in the field, several companies
6 competed to purchase an exclusive license to Mr. Petite’s technology for the market
7 known as “smart grid.” Landis+Gyr (<http://www.landisgyr.com/>) (previously
8 Siemens Metering) took an exclusive license to the smart grid technology in 2002 and
9 in 2005 purchased rights to the technology for utility applications for \$30,000,000.
10 Mr. Petite’s technology has been deployed in millions of meters used across North
11 America and throughout the world.

12 15. SIPCO retained the rights to the mesh network patents, and for use of the
13 technology outside of the utility space. It still maintains ownership of the software,
14 firmware, hardware and patent portfolio that resulted from Mr. Petite’s research and
15 development efforts.

16 16. SIPCO’s patent portfolios (of which the patents in suit are a part) include
17 inventions that are widely recognized as pioneering in various fields of use. As a
18 result, more than 100 corporations have taken licenses to them. Licensees include
19 companies operating in the vertical markets of Industrial Controls, Lighting, Smart
20 Grid, Building Automation, Network Backhaul, Home Appliance, Home Automation
21 and Entertainment, Sensor Monitoring, and Internet Service Provisioning. Licensed
22 products include products using standard wireless mesh protocols such as ZigBee and
23 Z-Wave.

24 17. SIPCO is the exclusive owner of all rights, title, and interest in the
25 patents in suit, including the right to exclude others and to enforce, sue and recover
26 damages for past and future infringement thereof.

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28 //

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,263,073

18. Plaintiff hereby restates the allegations contained in the preceding paragraphs above as if fully set forth herein.

19. On August 28, 2007, U.S. Patent No. 7,263,073, entitled “Systems and methods for enabling a mobile user to notify an automated monitoring system of an emergency situation,” was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the ’073 Patent is attached as Exhibit 1. Related U.S. application data is set forth on the face of the patent.

20. Plaintiff is the assignee and owner of the right, title, and interest in and to the ’073 Patent, including the right to assert all causes of action arising under the ’073 Patent and the right to any remedies for infringement of the ’073 Patent.

21. Defendant has infringed and continues to infringe the ’073 Patent under 35 U.S.C. § 271, literally or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, infringing products without authorization (hereafter “Infringing Instrumentalities”). At a minimum, Infringing Instrumentalities include the Kasa Smart Home Router SR20, Deco M9 Plus (collectively with Kasa Smart Home Router SR20, the “TP-Link Controllers”), Smart Open-Closed Sensor CS100, Smart Motion Sensor MS100 (collectively with the Smart Open-Closed Sensor CS100, the “TP-Link End Devices”) (TP-Link Controllers collectively with TP-Link End Devices, “TP-Link Mesh Network Devices”) that operate pursuant to the Z-Wave and/or ZigBee Wireless Protocols.

22. Defendant has been, and now is, directly and indirectly (through inducement and as a contributory infringer) infringing at least claim 1¹ of the ’073

¹ Plaintiff reserves the right to identify additional asserted claims and accused products as this litigation proceeds. For example, Plaintiff expressly reserves the right

1 Patent by making, using, selling, offering to sell, importing and/or providing and
2 causing to be used the TP-Link Mesh Network Devices which satisfy, literally or
3 under the doctrine of equivalents, each and every claim limitation of claim 1 of the
4 '073 Patent. The correspondence between the limitations of claim 1 of the '073 Patent
5 and the TP-Link Mesh Network Devices is shown in the claim chart attached hereto
6 as Exhibit 2. The claim chart is incorporated by reference as if set forth herein. The
7 citations to the ZigBee Protocol in the claim chart are required for a product
8 configured to operate pursuant to the ZigBee Protocol. Additional details relating to
9 the TP-Link Mesh Network Devices and their infringement are within the possession,
10 custody or control of Defendant.

11 23. Defendant provides users of the TP-Link Mesh Network Devices with
12 instructions on how to operate within a ZigBee network and markets ZigBee
13 connectivity in its promotional materials for the TP-Link Mesh Network Devices. In
14 addition, Defendant provides users with an application which serves as a central
15 location to which mesh devices may connect. To operate within a ZigBee network,
16 the TP-Link Mesh Network Devices need to operate pursuant to the ZigBee Protocol
17 and the required portions of the ZigBee Protocol necessarily practice at least claim 1
18 of the '073 Patent.

19 24. On information and belief, any other of Defendant's wireless mesh end-
20 devices and controllers that operate pursuant to the ZigBee Protocol are also
21 Infringing Instrumentalities. Additional details relating to Infringing
22 Instrumentalities and their infringement are within the possession, custody or control
23 of Defendant.

24 25. Plaintiff offers this preliminary identification and description of
25 infringement without the benefit of discovery or claim construction in this action, and
26 expressly reserves the right to augment, supplement, and revise its identification and
27 _____
28 to identify additional asserted claims and accused products in its infringement
contentions to be served during the discovery process.

1 description of infringement based on additional information obtained through
2 discovery or otherwise.

3 26. On information and belief, Defendant had knowledge of and became
4 aware of its infringement of the '073 Patent prior to the filing of this Complaint. By
5 way of example, prior to the filing of this Complaint, representatives for SIPCO
6 contacted Defendant about the infringement of the '073 Patent dating back to July 5,
7 2018. The July 5, 2018 Notice Letter is attached as Exhibit 3 and incorporated by
8 reference.

9 27. As reflected in Exhibit 2, Defendant's website further shows that
10 Defendant has tested and verified that the TP-Link Mesh Network Devices work with
11 the ZigBee protocol and promotes the compatibility of thereof. In making these
12 instructions and materials available to customers and touting the benefits of
13 compatibility with the ZigBee Protocol, Defendant specifically intended to encourage
14 its customers to use the TP-Link Mesh Network Devices in an infringing matter,
15 knowing that such use in accordance with its instructions and materials constituted
16 infringement of the '073 Patent. Defendant has thus induced and is inducing its
17 customers to infringe the '073 Patent.

18 28. On information and belief, Defendant acted with specific intent or with
19 willful blindness to induce its customers to practice the '073 Patent by continuing the
20 above-mentioned activities with knowledge of the '073 Patent.

21 29. Defendant had pre-suit knowledge that it was using the '073 Patent and
22 has knowingly made, used, offered to sell, sold, and/or imported into the United States
23 the Infringing Instrumentalities that infringed and continue to infringe the '073 Patent
24 under 35 U.S.C. § 271. Because Defendant did so with such knowledge of the '073
25 Patent, Defendant is liable for willful infringement.

26 30. Defendant's acts of infringement involving the '073 Patent have caused
27 damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages
28

1 it has sustained as a result of Defendant's wrongful acts in an amount subject to proof
2 at trial.

3 **COUNT II**

4 **INFRINGEMENT OF U.S. PATENT NO. 7,697,492**

5 31. Plaintiff hereby restates the allegations contained in the preceding
6 paragraphs above as if fully set forth herein.

7 32. On April 13, 2010, U.S. Patent No. 7,697,492, entitled "Systems and
8 methods for monitoring and controlling remote devices," was duly and legally issued
9 by the United States Patent and Trademark Office. A true and correct copy of the
10 '492 Patent is attached as Exhibit 4. Related U.S. application data is set forth on the
11 face of the patent.

12 33. Plaintiff is the assignee and owner of the right, title, and interest in and
13 to the '492 Patent, including the right to assert all causes of action arising under the
14 '492 Patent and the right to any remedies for infringement of the '492 Patent.

15 34. Defendant has infringed and continues to infringe the '492 Patent under
16 35 U.S.C. § 271, literally or under the doctrine of equivalents, by making, using,
17 selling, and/or offering for sale in the United States, and/or importing into the United
18 States Infringing Instrumentalities.

19 35. Defendant has been, and now is, directly and indirectly (through
20 inducement and as a contributory infringer) infringing least claim 14² of the '492
21 Patent by making, using, selling, offering to sell, importing and/or providing and
22 causing to be used the TP-Link Mesh Network Devices which satisfy, literally or
23 under the doctrine of equivalents, each and every claim limitation of claim 14 of the
24 '492 Patent. The correspondence between the limitations of claim 14 of the '492

25 _____
26 ² Plaintiff reserves the right to identify additional asserted claims and accused
27 products as this litigation proceeds. For example, Plaintiff expressly reserves the right
28 to identify additional asserted claims and accused products in its infringement
contentions to be served during the discovery process.

1 Patent and the TP-Link Mesh Network Devices is shown in the claim chart attached
2 hereto as Exhibit 5. The claim chart is incorporated by reference as if set forth herein.
3 The citations to the ZigBee Protocol in the claim chart are required for a product
4 configured to operate pursuant to the ZigBee Protocol. Additional details relating to
5 the TP-Link Mesh Network Devices and their infringement are within the possession,
6 custody or control of Defendant.

7 36. Defendant provides users of the TP-Link Mesh Network Devices with
8 instructions on how to operate within a ZigBee network and markets ZigBee
9 connectivity in its promotional materials for the TP-Link Mesh Network Devices. In
10 addition, Defendant provides users with an application which serves as a central
11 location to which mesh devices may connect. To operate within a ZigBee network,
12 the TP-Link Mesh Network Devices need to operate pursuant to the ZigBee Protocol
13 and the required portions of the ZigBee Protocol necessarily practice at least claim 14
14 of the '492 Patent.

15 37. On information and belief, any other of Defendant's wireless mesh end-
16 devices and controllers that operate pursuant to the ZigBee Protocol are also
17 Infringing Instrumentalities. Additional details relating to Infringing
18 Instrumentalities and their infringement are within the possession, custody or control
19 of Defendant.

20 38. Plaintiff offers this preliminary identification and description of
21 infringement without the benefit of discovery or claim construction in this action, and
22 expressly reserves the right to augment, supplement, and revise its identification and
23 description of infringement based on additional information obtained through
24 discovery or otherwise.

25 39. On information and belief, Defendant had knowledge of and became
26 aware of its infringement of the '492 Patent prior to the filing of this Complaint. By
27 way of example, prior to the filing of this Complaint, representatives for SIPCO
28

1 contacted Defendant about the infringement of the '492 Patent dating back to July 5,
2 2018. *See* Ex. 3.

3 40. As reflected in Exhibit 5, Defendant's website further shows that
4 Defendant has tested and verified that the TP-Link Mesh Network Devices work with
5 the ZigBee protocol and promotes the compatibility of thereof. In making these
6 instructions and materials available to customers and touting the benefits of
7 compatibility with the ZigBee Protocol, Defendant specifically intended to encourage
8 its customers to use the TP-Link Mesh Network Devices in an infringing matter,
9 knowing that such use in accordance with its instructions and materials constituted
10 infringement of the '492 Patent. Defendant has thus induced and is inducing its
11 customers to infringe the '492 Patent.

12 41. On information and belief, Defendant acted with specific intent or with
13 willful blindness to induce its customers to practice the '492 Patent by continuing the
14 above-mentioned activities with knowledge of the '492 Patent.

15 42. Defendant had pre-suit knowledge that it was using the '492 Patent and
16 has knowingly made, used, offered to sell, sold, and/or imported into the United States
17 the Infringing Instrumentalities that infringed and continue to infringe the '492 Patent
18 under 35 U.S.C. § 271. Because Defendant did so with such knowledge of the '492
19 Patent, Defendant is liable for willful infringement.

20 43. Defendant's acts of infringement involving the '492 Patent have caused
21 damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages
22 it has sustained as a result of Defendant's wrongful acts in an amount subject to proof
23 at trial.

24 **COUNT III**

25 **INFRINGEMENT OF U.S. PATENT NO. 7,103,511**

26 44. Plaintiff hereby restates the allegations contained in the preceding
27 paragraphs above as if fully set forth herein.

28

1 45. On September 5, 2006, U.S. Patent No. 7,103,511, entitled “Wireless
2 Communication networks for providing remote monitoring of devices,” was duly and
3 legally issued by the United States Patent and Trademark Office. A true and correct
4 copy of the ’511 Patent is attached as Exhibit 6. Related U.S. application data is set
5 forth on the face of the patent.

6 46. Plaintiff is the assignee and owner of the right, title, and interest in and
7 to the ’511 Patent, including the right to assert all causes of action arising under the
8 ’511 Patent and the right to any remedies for infringement of the ’511 Patent.

9 47. Defendant directly and indirectly infringed and continues to directly and
10 indirectly infringe at least claim 1³ of the ’511 Patent by making, having had made,
11 using, offering for sale, and selling the TP-Link Mesh Network Devices controlled
12 through a host computer (together, “TP-Link Mesh Network”) that operate pursuant
13 to the Z-Wave and/or ZigBee wireless mesh protocol.

14 48. Claim charts, attached as Exhibits 7 & 8, explains how Defendant
15 infringed, and is infringing, claim 1 of the ’511 Patent.

16 49. Defendant has been, and now is, indirectly infringing as a contributory
17 infringer under 35 U.S.C. § 271 at least claim 1 of the ’511 Patent by making, having
18 had made, using, offering for sale, and selling the TP-Link Mesh Network that
19 operates pursuant to the Z-Wave and/or ZigBee standard wireless mesh protocol,
20 wherein the products that operate pursuant to the Z-Wave and/or ZigBee standard
21 wireless mesh protocol are a component of a patented system, constituting a material
22 part of the invention, knowing the same to be especially made or especially adapted
23 for use in an infringement of such patent, and not a staple article or commodity of
24 commerce suitable for substantial non-infringing use.

25 _____
26 ³ Plaintiff reserves the right to identify additional asserted claims and accused
27 products as this litigation proceeds. For example, Plaintiff expressly reserves
28 the right to identify additional asserted claims and accused products in its
infringement contentions to be served during the discovery process.

1 50. On information and belief, Defendant had knowledge of and became
2 aware of its infringement of the '511 Patent prior to the filing of this Complaint. By
3 way of example, prior to the filing of this Complaint, representatives for SIPCO
4 contacted Defendant about the infringement of the '511 Patent dating back to July 5,
5 2018. *See* Ex. 3.

6 51. Defendant had pre-suit knowledge that it was using the '511 Patent and
7 has knowingly made, used, offered to sell, sold, and/or imported into the United States
8 the Infringing Instrumentalities that infringed and continue to infringe the '511 Patent
9 under 35 U.S.C. § 271. Because Defendant did so with such knowledge of the '511
10 Patent, Defendant is liable for willful infringement.

11 52. Defendant's acts of infringement have caused and continue to cause
12 damage to Plaintiff. Plaintiff is entitled to recover from Defendant the damages
13 sustained by Plaintiff as a result of Defendant's wrongful acts.

14 **COUNT IV**

15 **INFRINGEMENT OF U.S. PATENT NO. 8,924,587**

16 53. Plaintiff hereby restates the allegations contained in the preceding
17 paragraphs above as if fully set forth herein.

18 54. On December 30, 2014, U.S. Patent No. 8,924,587, entitled "Systems
19 and methods for controlling communication between a host computer and
20 communication devices," was duly and legally issued by the United States Patent and
21 Trademark Office. A true and correct copy of the '587 Patent is attached as Exhibit
22 9. Related U.S. application data is set forth on the face of the patent.

23 55. Plaintiff is the assignee and owner of the right, title, and interest in and
24 to the '587 Patent, including the right to assert all causes of action arising under the
25 '587 Patent and the right to any remedies for infringement of the '587 Patent.

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1 56. Defendant directly and indirectly infringed and continues to directly and
2 indirectly infringe at least claim 3⁴ of the '587 Patent by making, having had made,
3 using, offering for sale, and selling TP-Link Controllers that operate pursuant to the
4 ZigBee standard wireless mesh protocol.

5 57. A claim chart, attached as Exhibit 10, explains how Defendant directly
6 and indirectly infringed, and is directly and indirectly infringing, claim 3 of the '587
7 Patent.

8 58. Defendant has been, and now is, indirectly infringing as a contributory
9 infringer under 35 U.S.C. § 271 at least claim 3 of the '587 Patent by making, having
10 had made, using, offering for sale, and selling the TP-Link Controllers that operate
11 pursuant to the ZigBee standard wireless mesh protocol, wherein the products that
12 operate pursuant to the ZigBee standard wireless mesh protocol are a component of a
13 patented system, constituting a material part of the invention, knowing the same to be
14 especially made or especially adapted for use in an infringement of such patent, and
15 not a staple article or commodity of commerce suitable for substantial non-infringing
16 use.

17 59. On information and belief, Defendant had knowledge of and became
18 aware of its infringement of the '587 Patent prior to the filing of this Complaint. By
19 way of example, prior to the filing of this Complaint, representatives for SIPCO
20 contacted Defendant about the infringement of the '587 Patent dating back to July 5,
21 2018. *See Ex. 3.*

22 60. Defendant had pre-suit knowledge that it was using the '587 Patent and
23 has knowingly made, used, offered to sell, sold, and/or imported into the United States
24 the Infringing Instrumentalities that infringed and continue to infringe the '587 Patent
25

26 ⁴ Plaintiff reserves the right to identify additional asserted claims and accused
27 products as this litigation proceeds. For example, Plaintiff expressly reserves the
28 right to identify additional asserted claims and accused products in its infringement
contentions to be served during the discovery process.

1 under 35 U.S.C. § 271. Because Defendant did so with such knowledge of the '587
2 Patent, Defendant is liable for willful infringement.

3 61. Defendant's acts of infringement have caused and continue to cause
4 damage to Plaintiff. Plaintiff is entitled to recover from Defendant the damages
5 sustained by Plaintiff as a result of Defendant's wrongful acts.

6 //

7 **COUNT V**

8 **INFRINGEMENT OF U.S. PATENT NO. 8,924,588**

9 62. Plaintiff hereby restates the allegations contained in the preceding
10 paragraphs above as if fully set forth herein.

11 63. On December 30, 2014, U.S. Patent No. 8,924,588, entitled "Systems
12 and Methods for Controlling Communication between a Host Computer and
13 Communication Devices," was duly and legally issued by the United States Patent
14 and Trademark Office. A true and correct copy of the '588 Patent is attached as
15 Exhibit 11. Related U.S. application data is set forth on the face of the patent.

16 64. Plaintiff is the assignee and owner of the right, title, and interest in and
17 to the '588 Patent, including the right to assert all causes of action arising under the
18 '588 Patent and the right to any remedies for infringement of the '588 Patent.

19 65. Defendant has infringed and continues to infringe the '588 Patent under
20 35 U.S.C. § 271, literally or under the doctrine of equivalents, by making, using,
21 selling, and/or offering for sale in the United States, and/or importing into the United
22 States, Infringing Instrumentalities including, without limitation, the Kasa Smart
23 Home Router SR20 (the "SR20").

24 66. Defendant directly infringed and continues to directly infringe at least
25 claim 1⁵ of the '588 Patent by making, using, selling, offering to sell, importing and/or
26

27 _____
28 ⁵ Plaintiff reserves the right to identify additional asserted claims and accused
products as this litigation proceeds. For example, Plaintiff expressly reserves the

1 providing and causing to be used the SR20 which satisfies, literally or under the
2 doctrine of equivalents, each and every claim limitation of claim 1 of the '588 Patent.
3 The correspondence between the limitations of claim 1 of the '588 Patent and the
4 SR20 is shown in the claim chart attached hereto as Exhibit 12. The claim chart is
5 incorporated by reference as if set forth herein. The citations to the Z-Wave Protocol
6 in the claim chart are required for a product configured to operate pursuant to the Z-
7 Wave Protocol. Additional details relating to the SR20 and its infringement are within
8 the possession, custody or control of Defendant.

9 67. Defendant provides users of the SR20 with instructions on how to
10 operate within a Z-Wave network and markets Z-Wave connectivity in its
11 promotional materials for the SR20. To operate within a Z-Wave network, the SR20
12 needs to operate pursuant to the Z-Wave Protocol and the required portions of the Z-
13 Wave Protocol necessarily practice at least claim 1 of the '588 Patent.

14 68. On information and belief, any other of Defendant's wireless mesh
15 controllers that operate pursuant to the Z-Wave Protocol are also Infringing
16 Instrumentalities. Additional details relating to Infringing Instrumentalities and their
17 infringement are within the possession, custody or control of Defendant.

18 69. On information and belief, Defendant had knowledge of and became
19 aware of its infringement of the '588 Patent prior to the filing of this Complaint. By
20 way of example, prior to the filing of this Complaint, representatives for SIPCO
21 contacted Defendant about the infringement of the '588 Patent dating back July 5,
22 2018. *See Ex. 3.*

23 70. As reflected in Exhibit 12, Defendant's website further shows that
24 Defendant has tested and verified that the SR20 works with Z-Wave devices. In
25 making these instructions and materials available to customers and touting the
26 benefits of compatibility with the Z-Wave Protocol, Defendant specifically intended
27 _____
28 right to identify additional asserted claims and accused products in its infringement
contentions to be served during the discovery process.

1 to encourage its customers to use the SR20 in an infringing matter, knowing that such
2 use in accordance with its instructions and materials constituted infringement of the
3 '588 Patent. Defendant has thus induced and is inducing its customers to infringe the
4 '588 Patent. On information and belief, Defendant acted with specific intent or with
5 willful blindness to induce its customers to practice the '588 Patent by continuing the
6 above-mentioned activities with knowledge of the '588 Patent.

7 71. Defendant had pre-suit knowledge that it was using the '588 Patent and
8 has knowingly made, used, offered to sell, sold, and/or imported into the United States
9 the Infringing Instrumentalities that infringed and continue to infringe the '588 Patent
10 under 35 U.S.C. § 271. Because Defendant did so with such knowledge of the '588
11 Patent, Defendant is liable for willful infringement.

12 72. Defendant's acts of infringement involving the '588 Patent have caused
13 damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages
14 it has sustained as a result of Defendant's wrongful acts in an amount subject to proof
15 at trial.

16 **COUNT VI**

17 **INFRINGEMENT OF U.S. PATENT NO. 8,964,708**

18 73. Plaintiff hereby restates the allegations contained in the preceding
19 paragraphs above as if fully set forth herein.

20 74. On February 24, 2015, U.S. Patent No. 8,964,708, entitled "Systems and
21 Methods for Monitoring and Controlling Remote Devices," was duly and legally
22 issued by the United States Patent and Trademark Office. A true and correct copy of
23 the '708 Patent is attached as Exhibit 13. Related U.S. application data is set forth on
24 the face of the patent.

25 75. Plaintiff is the assignee and owner of the right, title, and interest in and
26 to the '708 Patent, including the right to assert all causes of action arising under the
27 '708 Patent and the right to any remedies for infringement of the '708 Patent.

28

1 76. Defendant has infringed and continues to infringe the '708 Patent under
2 35 U.S.C. § 271, literally or under the doctrine of equivalents, by selling in the United
3 States the TP-Link End Devices, which, when operated pursuant to the Zigbee
4 Protocol, can be used to perform the patented method.

5 77. Defendant indirectly infringed and continues to indirectly infringe at
6 least claim 11⁶ of the '708 Patent by selling and causing to be used the TP-Link End
7 Devices to perform every step of the patented method which satisfies, literally or
8 under the doctrine of equivalents, each and every claim limitation of claim 11 of the
9 '708 Patent. The correspondence between the limitations of claim 11 of the '708
10 Patent and the TP-Link End Devices is shown in the claim chart attached hereto as
11 Exhibit 14. The claim chart is incorporated by reference as if set forth herein. The
12 citations to the ZigBee Protocol in the claim chart are required for a product
13 configured to operate pursuant to the ZigBee Protocol. Additional details relating to
14 the TP-Link End Devices and their infringing performance of every step of the
15 patented method are within the possession, custody or control of Defendant.

16 78. Defendant provides users of the TP-Link End Devices with instructions
17 on how to operate within a ZigBee network and markets ZigBee connectivity in its
18 promotional materials for the TP-Link End Devices. To operate within a ZigBee
19 network, the TP-Link End Devices operate pursuant to the ZigBee Protocol and the
20 required portions of the ZigBee Protocol necessarily every step of at least claim 11 of
21 the '708 Patent.

22 79. On information and belief, Defendant had knowledge of and became
23 aware of its infringement of the '708 Patent prior to the filing of this Complaint. By
24 way of example, prior to the filing of this Complaint, representatives for SIPCO
25

26 ⁶ Plaintiff reserves the right to identify additional asserted claims and accused
27 products as this litigation proceeds. For example, Plaintiff expressly reserves the
28 right to identify additional asserted claims and accused products in its infringement
contentions to be served during the discovery process.

1 contacted Defendant about the infringement of the '708 Patent dating back to July 5,
2 2018. *See* Ex. 3.

3 80. As reflected in Exhibit 14, Defendant's website further shows that
4 Defendant has tested and verified that the TP-Link End Devices work with ZigBee
5 devices and controllers. In making these instructions and materials available to
6 customers and touting the benefits of compatibility with the ZigBee Protocol,
7 Defendant specifically intended to encourage its customers to use the TP-Link End
8 Devices in an infringing matter and perform every step of the patented method,
9 knowing that such use in accordance with its instructions and materials constituted
10 infringement of the '708 Patent. Defendant has thus induced and is inducing its
11 customers to infringe the '708 Patent.

12 81. On information and belief, Defendant acted with specific intent or with
13 willful blindness to induce its customers to practice the '708 Patent by continuing the
14 above-mentioned activities with knowledge of the '708 Patent.

15 82. Defendant had pre-suit knowledge that it induced others into performing
16 the patented method in the United States constituting infringement of the '708 Patent
17 under 35 U.S.C. § 271. Defendant further knew it contributed to the infringement of
18 the '708 Patent. Because Defendant did so with such knowledge of the '708 Patent,
19 Defendant is liable for willful infringement.

20 83. Defendant's acts of infringement involving the '708 Patent have caused
21 damage to Plaintiff, and Plaintiff is entitled to recover from Defendant the damages
22 it has sustained as a result of Defendant's wrongful acts in an amount subject to proof
23 at trial.

24 **COUNT VII**

25 **INFRINGEMENT OF U.S. PATENT NO. 6,914,893**

26 84. Plaintiff hereby restates the allegations contained in the preceding
27 paragraphs above as if fully set forth herein.

28

1 85. On July 5, 2005, U.S. Patent No. 6,914,893, entitled “System and method
2 for monitoring and controlling remote devices,” was duly and legally issued by the
3 United States Patent and Trademark Office. A true and correct copy of the ’893 Patent
4 is attached as Exhibit 15. Related U.S. application data is set forth on the face of the
5 patent.

6 86. Plaintiff is the assignee and owner of the right, title, and interest in and
7 to the ’893 Patent, including the right to assert all causes of action arising under the
8 ’893 Patent and the right to any remedies for infringement of the ’893 Patent.

9 87. Defendant directly and indirectly infringed and continues to directly and
10 indirectly infringe at least claim 1⁷ of the ’893 Patent by making, having had made,
11 using, offering for sale, and selling the TP-Link Mesh Network that operate pursuant
12 to the ZigBee wireless mesh protocol.

13 88. A claim chart, attached as Exhibit 16, explains how Defendant infringed,
14 and is infringing, claim 1 of the ’893 Patent.

15 89. Defendant has been, and now is, indirectly infringing as a contributory
16 infringer under 35 U.S.C. § 271 at least claim 1 of the ’893 Patent by making, having
17 had made, using, offering for sale, and selling the TP-Link Mesh Network that
18 operates pursuant to the ZigBee standard wireless mesh protocol, wherein the
19 products that operate pursuant to the ZigBee standard wireless mesh protocol are a
20 component of a patented system, constituting a material part of the invention,
21 knowing the same to be especially made or especially adapted for use in an
22 infringement of such patent, and not a staple article or commodity of commerce
23 suitable for substantial non-infringing use.

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26 ⁷ Plaintiff reserves the right to identify additional asserted claims and accused
27 products as this litigation proceeds. For example, Plaintiff expressly reserves
28 the right to identify additional asserted claims and accused products in its
infringement contentions to be served during the discovery process.

1 90. On information and belief, Defendant had knowledge of and became
2 aware of its infringement of the '893 Patent prior to the filing of this Complaint. By
3 way of example, prior to the filing of this Complaint, representatives for SIPCO
4 contacted Defendant about the infringement of the '893 Patent dating back to July 5,
5 2018. *See* Ex. 3.

6 91. Defendant had pre-suit knowledge that it was using the '893 Patent and
7 has knowingly made, used, offered to sell, sold, and/or imported into the United States
8 the Infringing Instrumentalities that infringed and continue to infringe the '893 Patent
9 under 35 U.S.C. § 271. Because Defendant did so with such knowledge of the '893
10 Patent, Defendant is liable for willful infringement.

11 92. Defendant's acts of infringement have caused and continue to cause
12 damage to Plaintiff. Plaintiff is entitled to recover from Defendant the damages
13 sustained by Plaintiff as a result of Defendant's wrongful acts.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff prays for judgment as follows:

16 a) Declaring that Defendant has infringed the '073, '492, '511, '587, '588,
17 '708, and '893 Patents and that such infringement was willful.

18 b) Awarding damages arising out of Defendant's infringement of the '073,
19 '492, '511, '587, '588, '708, and '893 Patents to SIPCO, together with prejudgment
20 and post-judgment interest, in an amount according to proof.

21 c) Awarding attorneys' fees to SIPCO pursuant to 35 U.S.C. § 285 or as
22 otherwise permitted by law.

23 d) Awarding such other costs and further relieved as the Court may deem
24 just and proper.

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Dated: March 17, 2020

ONE LLP

By: /s/ Deepali A. Brahmbhatt

Deepali A. Brahmbhatt

THE HARBOR LAW GROUP

Catherine I. Rajwani

Herling Romero

(Pro Hac Vice Forthcoming)

Attorneys for Plaintiff,

SIPCO, LLC

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DEMAND FOR JURY TRIAL

Plaintiff requests a jury trial of all issues in this action so triable.

Dated: March 17, 2020

ONE LLP
By: /s/ Deepali A. Brahmbhatt
Deepali A. Brahmbhatt

THE HARBOR LAW GROUP
Catherine I. Rajwani
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