

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SCRIPT TRANSFORM LLC,

Plaintiff,

v.

MOTOROLA MOBILITY LLC,

Defendant.

Civil Action No. 1:20-cv-3872

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Script Transform LLC (“Script Transform” or “Plaintiff”), for its Complaint against Defendant Motorola Mobility LLC, (referred to herein as “Motorola” or “Defendant”), alleges the following:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Script Transform is a limited liability company organized under the laws of the state of Delaware with a place of business at 261 West 35th Street, Suite No. 1003, New York, New York 10001.

3. Upon information and belief, Motorola is a corporation organized under the laws of the state of Delaware with a place of business at 222 W. Merchandise Mart Plaza, Chicago, Illinois 60654. Upon information and belief, Motorola sells, offers to sell, and/or uses products and services throughout the United States, including in this judicial district, and introduces

infringing products and services into the stream of commerce knowing that they would be sold and/or used in this judicial district and elsewhere in the United States.

JURISDICTION AND VENUE

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

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

6. Venue with respect to Defendant Motorola is proper in this District under 28 U.S.C. § 1400(b) because, upon information and belief, Defendant maintains a regular and established place of business in this District, its principal place of business at 222 W. Merchandise Mart Plaza, Chicago, Illinois 60654, and has committed infringing acts in this District through its sales of the Accused Instrumentalities in this District. Venue with respect to Defendant Motorola is also proper in this District under 28 U.S.C. § 1391(b)(2) because Motorola sells and offers to sell products and services throughout the United States, including in this District, and introduces products and services into the stream of commerce and effectuates these sales knowing that the products and services would be sold in this District and elsewhere in the United States.

7. This Court has personal jurisdiction over Motorola. Motorola is amenable to service of summons for this action. Furthermore, personal jurisdiction over Motorola in this action comports with due process. Motorola has conducted and regularly conducts business within the United States and this District. Motorola has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in the State of Illinois and in this District. Motorola has sought protection and benefit from the laws of the State of Illinois by placing infringing products into the stream of commerce through an

established distribution channel with the awareness and/or intent that they will be purchased by consumers in this District.

8. Motorola – directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents – ships, distributes, offers for sale, and/or sells its products in the United States and this District. Motorola has purposefully and voluntarily placed one or more of its infringing products into the stream of commerce with the awareness and/or intent that they will be purchased by consumers in this District. Motorola knowingly and purposefully ships infringing products into and within this District through an established distribution channel. These infringing products have been and continue to be purchased by consumers in this District. Upon information and belief, through those activities, Motorola has committed the tort of patent infringement in this District.

9. On information and belief, Defendant Motorola is subject to this Court's general and specific personal jurisdiction because Motorola has sufficient minimum contacts within the State of Illinois and this District, pursuant to due process and/or the Illinois long-arm statute, because Defendant Motorola purposefully availed itself of the privileges of conducting business in the State of Illinois and in this District, because Defendant Motorola regularly conducts and solicits business within the State of Illinois and within this District, and because Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Illinois and this District. Having purposefully availed itself of the privilege of conducting business within this District, Defendant Motorola should reasonably and fairly anticipate being brought into court here.

BACKGROUND

The Invention

10. Simon Sung Lee is the inventor of U.S. Patent No. 9,191,629 (“the ’629 patent”). A true and correct copy of the ’629 patent is attached as Exhibit A.

11. The ’629 patent resulted from the pioneering efforts of Mr. Lee (hereinafter “the Inventor”) in the area of video-enabled baby monitoring technologies. These efforts resulted in the development of a method and apparatus for a baby monitoring system including video enhancement capability operable at various frequencies in 2012. This system improved upon existing solutions, increasing energy efficiency of the monitoring system while also providing improved control over system functionality. At the time of these pioneering efforts, the most widely implemented technology used to address baby monitoring needs comprised always providing video and audio recordings of a baby. In that type of system, the audio and video transmission would persist perpetually unless power to the system was cut off. The Inventor conceived of the inventions claimed in the ’629 patent as a way to allow a user to disable the video features of the system while allowing the audio features to persist, decreasing the energy usage of the system and allowing a user to enact extended control of the functionality of the monitoring system.

Advantage Over the Prior Art

12. The patented invention disclosed in the ’629 patent, provides many advantages over the prior art, and in particular improved the operations and function of baby monitoring video capture and transmission technologies. (See ’629 patent at 4:32-50.) One advantage of the patented invention is that it includes a unique video-off button feature which may be utilized to turn off the display screen on a receiver unit and simultaneously turn off an infrared light

transmission source found in a transmitter unit. (*See* '629 patent at 4:32-37.) This advantage allows a user to control the system so as to only enable the functionality desired. For example, the user may only want to cause the transmission of audio signals from the transmitter. As such, the user does not require video transmission or the use of an infrared light source for image capture and can therefore disable these unneeded features.

13. Another advantage of the patented invention is the increased energy efficiency of the system as a result of the above-described video-off control. Specifically, because the user can disable the video and infrared features of the invention, the energy efficiency of the system is improved because energy is no longer spent to power the unneeded features. (*See* '629 patent at 6:19-26.)

14. Another advantage of the patented invention is that the time duration of released frequencies from the infrared light is decreased due to the permitted disabling of the infrared source. (*See* '629 patent at 6:24-26.)

15. Because of these significant advantages that can be achieved through the use of the patented invention, Script Transform believes that the '629 patent presents significant commercial value for companies like Motorola.

Technological Innovation

16. The patented invention disclosed in the '629 patent resolves technical problems related to audio and video enabled baby monitoring systems, particularly problems related to the utilization of user control to govern certain video functions of the system. As the '629 patent explains, one of the limitations of the prior art as regards the baby monitoring system was that users would typically be unable to use a single video-off control to disable and re-enable certain

video functions found within baby monitoring systems, wasting energy. (*See* '629 patent at 4:32-37.)

17. The claims of the '629 patent do not merely recite the performance of some well-known business practice from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claims of the '629 patent recite inventive concepts that are deeply rooted in engineering technology, and overcome problems specifically arising out of how to control the video functions of a baby monitoring system and do so in a way that improves energy efficiency.

18. In addition, the claims of the '629 patent recite inventive concepts that improve the functioning of baby monitoring systems, particularly the recitation of the video-off functionality that gives a user more control over the system while providing improved energy efficiency; a concept that prior baby monitoring systems lacked.

19. Moreover, the claims of the '629 patent recite inventive concepts that are not merely routine or conventional use of audio and video baby monitoring technologies. Instead, the patented invention disclosed in the '629 patent provides a new and novel solution to specific problems related to improving the energy and resource efficiency of baby monitoring systems.

20. And finally, the patented invention disclosed in the '629 patent does not preempt all the ways that baby monitoring technologies may be used to improve the efficiency and degree of control afforded to users of a baby monitoring system, nor does the '629 patent preempt any other well-known or prior art technology.

21. Accordingly, the claims in the '629 patent recite a combination of elements sufficient to ensure that the claim in substance and in practice amounts to significantly more than a patent-ineligible abstract idea.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 9,191,629

22. The allegations set forth in the foregoing paragraphs 1 through 21 are incorporated into this First Claim for Relief.

23. On November 17, 2015, the '629 patent was duly and legally issued by the United States Patent and Trademark Office under the title “Baby monitoring system including video enhancement capability operable at various frequencies.” The application leading to the '629 patent was filed on June 18, 2013. A true and correct copy of the '629 patent is attached hereto as Exhibit A.

24. Script Transform is the assignee and owner of the right, title and interest in and to the '629 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

25. Upon information and belief, Motorola directly infringes and continues to directly infringe at least claim 1 of the '629 patent, in the United States, under 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, importing and/or providing and/or causing to be used technologies for a video-enabled baby monitoring systems which include at least two separate units, which by way of example include the MBP36XL and other models available online at the Motorola store (*See* <https://www.motorolastore.com/baby-monitors/video-monitoring>; *see also* <https://www.motorolastore.com/baby-monitors/video-monitoring/motorola-mbp36xl.html>, all last accessed and downloaded June 11, 2020, along with related systems and software for access and use of such systems (the “Accused Instrumentalities”) as in claim 1 of the '629 patent. (*See* Script Transform’s Claim Chart for claim 1 of the '629 patent, Ex. B at 1-16.) Motorola describes the MBP36XL as one to use to “[k]eep an eye on things . . . and clearly communicate

with your partner or child,” and that the system contains a “Portable, Rechargeable Camera,” and an “Ergonomic Parent Unit with 5-Inch Diagonal Color Screen.” (Source: <https://www.motorolastore.com/baby-monitors/video-monitoring/motorola-mbp36xl.html>, last accessed and downloaded June 11, 2020.)

26. On information and belief, Defendant Motorola is a for-profit organization with revenues of approximately \$7.34 billion U.S.D. per year. Moreover, Defendant, its employees and/or agents make, use, sell, offer to sell, import, and/or provide and/or cause to be used the Accused Instrumentalities for Defendant’s partners and customers, leading to direct or indirect revenues and profit. On information and belief, without the availability of infringing tools such as the Accused Instrumentalities, Defendant would be at a disadvantage in the marketplace and would generate less revenue and profit overall.

27. In particular, claim 1 of the ’629 patent generally recites a video-enabled baby monitoring system which includes at least two separate units comprising: a transmitter unit including a camera feature which captures motion, a sound sensor which captures sound, and an infrared light source capable of providing sufficient light for imaging when necessary, wherein said transmitter unit also includes microprocessors which generate a series of video signal codes and audio signal codes which are transmitted at a specific radio frequency to a dedicated receiver unit; and a receiver unit including a display screen, where said receiver unit receives said signal codes from said transmitter and provides a displayed image, in combination with corresponding sound, or provides the sound alone, wherein said receiver unit includes a video-off button which enables a user to simultaneously turn off said display screen, and to turn off said camera feature, and said infrared light source of said transmitter remotely, whereby sound is transmitted to said receiver without video. (Ex. B at 9-16.)

28. Exemplary infringement analysis showing infringement of claim 1 of the '629 patent is set forth in Exhibit B. This infringement analysis is necessarily preliminary, as it is provided in advance of any discovery provided by Motorola with respect to the '629 patent. Script Transform reserves all rights to amend, supplement and modify this preliminary infringement analysis. Nothing in the attached chart should be construed as any express or implied contention or admission regarding the construction of any term or phrase of the claims of the '629 patent.

29. Motorola provides video-enabled baby monitoring systems which include at least two separate units. (Ex. B at 9.) Motorola provides a line of Video Baby Monitor products that includes, for example, the MBP36XL. (See <https://www.motorolastore.com/baby-monitors/video-monitoring>; last accessed and downloaded June 11, 2020.) Motorola describes the MBP36XL as a system to use to “[k]eep an eye on things . . . and clearly communicate with your partner or child,” and that the system contains a two separate units: a “Portable, Rechargeable Camera,” and an “Ergonomic Parent Unit with 5-Inch Diagonal Color Screen.” (Source: <https://www.motorolastore.com/baby-monitors/video-monitoring/motorola-mbp36xl.html>, last accessed and downloaded June 11, 2020.)

30. Additionally, the Motorola systems include a transmitter unit including a camera feature which captures motion, a sound sensor which captures sound, and an infrared light source capable of providing sufficient light for imaging when necessary. (Ex. B at 10.) For example, the MBP36XL system includes, as a transmitter unit, a “Baby Unit” that includes a camera lens, infrared LEDs for night vision, and a microphone to capture sound. (See https://assets.ctfassets.net/0d9076hkwr49/1HQTKO5EJ20GOIsaUyOUuu/50fee8562ef0f9358197849199588d67/MBP36XL_IFU_US_EN_Version_2_170208.pdf at 5, last accessed and downloaded June 11, 2020.)

31. The Motorola systems also include wherein the said transmitter unit also includes microprocessors which generate a series of video signal codes and audio signal codes which are transmitted at a specific radio frequency to a dedicated receiver unit. (Ex. B at 11-12.) For example, the MBP36XL system is described as allowing two-way communication between the camera and tablet through the use of 2.4 GHz FHSS wireless technology for local viewing. (See <https://www.motorolastore.com/baby-monitors/video-monitoring/motorola-mbp36xl.html>, last accessed and downloaded June 11, 2020.)

32. In addition, the Motorola systems includes a receiver unit including a display screen. (Ex. B at 13.) For example, the MBP36XL system includes a “Parent Unit” that includes an LCD screen display. (See https://assets.ctfassets.net/0dyo76hkwr49/1HQTKO5EJ20GOIsaUyOUuu/50fee8562ef0f9358197849199588d67/MBP36XL_IFU_US_EN_Version_2_170208.pdf at 3, last accessed and downloaded June 11, 2020.)

33. In the Motorola systems, said receiver unit receives said signal codes from said transmitter and provides a displayed image, in combination with corresponding sound, or provides the sound alone. (Ex. B at 13-15). For example, the “Parent Unit” of the MBP36XL system can display and playback visual and audio information, respectively, captured by and received from the “Baby Unit” through the use of 2.4 GHz FHSS wireless technology. (See <https://www.motorolastore.com/baby-monitors/video-monitoring/motorola-mbp36xl.html>, last accessed and downloaded June 11, 2020.)

34. The Motorola systems further include wherein said receiver unit includes a video-off button which enables a user to simultaneously turn off said display screen and to turn off said camera feature and said infrared light source of said transmitter remotely. (Ex. B at 14-16.) For example, the MBP36XL system includes a “VIDEO ON/OFF button” that when pressed “turn[s]

the LCD screen on or off, whilst still leaving the audio monitor on.” (Source: https://assets.ctfassets.net/0dyo76hkwr49/1HQTKO5EJ20GOIsaUyOUuu/50fee8562ef0f9358197849199588d67/MBP36XL_IFU_US_EN_Version_2_170208.pdf at 14, last accessed and downloaded June 11, 2020.) Additionally, the Motorola MBP36XL “Parent Unit” (receiver unit) provides a “Power Savings mode” that can be activated through the use of the system’s menu options. (*See id.* at 13.) In this mode, the video will turn off, but the audio will stay on, but upon the pressing of any key on the Motorola system, the video functionality will be turned back on. (*See id.*)

35. Use of the Accused Instrumentalities by Defendant’s partners, customers, and/or end users infringes claim 1 of the ’629 patent through a combination of features which collectively practice each limitation of claim 1. (Ex. B at 10-17.)

36. On information and belief, these Accused Instrumentalities are used marketed, provided to, and/or used by or for each of Defendant’s partners, clients, customers, and end users across the country and in this District.

37. Defendant was made aware of the ’629 patent and its infringement thereof at least as early the filing of this Complaint.

38. Upon information and belief, since at least the time Defendant received notice, Defendant has induced and continues to induce others to infringe at least one claim of the ’629 patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to each of Defendant’s partners, clients, customers, and end users, whose use of the Accused Instrumentalities constitutes direct infringement of at least one claim of the ’629 patent.

39. In particular, Motorola's actions that aid and abet others to infringe include advertising and/or providing support services to partners contracted by Motorola or by distributing the Accused Instrumentalities and providing instruction materials, training, and services regarding the Accused Instrumentalities which actively induce a user of the Motorola systems to infringe the Asserted Claims. For example, Motorola provides potential users with detailed instruction materials on how to operate the Video Baby Monitor products in a way that infringes at least one claim of the '629 patent. (*See* https://assets.ctfassets.net/0dyo76hkwr49/1HQTKO5EJ20GOIsaUyOUuu/50fee8562ef0f9358197849199588d67/MBP36XL_IFU_US_EN_Version_2_170208.pdf, last accessed and downloaded June 11, 2020.)

40. In addition, on information and belief, Motorola encourages its employees, contract workers, customers, and other third parties to use the Accused Instrumentalities. (*See* <https://www.motorolastore.com/baby-monitors/video-monitoring>; <https://motorolahome.com/home/baby/video-baby-monitors>; and <https://www.motorola.com/us/motorola-baby-and-home-monitors>; all last accessed and downloaded June 11, 2020.)

41. Additionally, on information and belief, Motorola promotes the Accused Instrumentalities through advertising. (*See* <https://www.motorolastore.com/baby-monitors/video-monitoring>; <https://motorolahome.com/home/baby/video-baby-monitors>; https://www.youtube.com/watch?v=RoGm-_dpQvs; and <https://www.motorola.com/us/motorola-baby-and-home-monitors>; all last accessed and downloaded June 11, 2020.)

42. Motorola further provides technical support to help users of the Accused Instrumentalities address technical concerns. (Source: <https://www.motorolastore.com/support/baby-monitors/video-monitoring>; last accessed and downloaded June 11, 2020.)

43. Upon information and belief, Motorola has engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Motorola has had actual knowledge of the '629 patent and that its acts were inducing the infringement of the '629 patent since at least the date Motorola received notice by this Complaint that such activities infringed the '629 patent.

44. Upon information and belief, Defendant is liable as a contributory infringer of the '629 patent under 35 U.S.C. § 271(c) by offering to sell, selling and importing into the United States video-enabled baby monitoring technologies that include the features of the Asserted Claims which are especially made or adapted for use in an infringement of the '629 patent. These Accused Instrumentalities are a material component for use in practicing the '629 patent and are specifically made and are not a staple article of commerce suitable for substantial non-infringing use.

45. Defendant Motorola was made aware of the '629 patent and its infringement thereof at least as early as the filing and service of this Complaint. Despite Plaintiff's notice to Motorola by this Complaint regarding the '629 patent, the Defendant continues to infringe the '629 patent.

46. Upon information and belief, since at least the time it received notice by this Complaint, Motorola's infringement has been and continues to be willful.

47. Plaintiff Script Transform has been harmed by each of Motorola's infringing activities with respect to the '629 patent.

48. Script Transform reserves the right to modify its infringement theories as discovery progresses in this case. It shall not be estopped for purposes of its infringement contentions or its claim constructions by the claim charts it provides with this Complaint. Script Transform intends the claim chart (Exhibit B) for the '629 patent to satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure. The claim chart is not Script Transform's preliminary or final infringement contentions or preliminary or final claim construction positions.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Script Transform demands a trial by jury on all issues triable as such.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Script Transform demands judgment for itself and against Motorola as follows:

- A. An adjudication that the Motorola has infringed the '629 patent;
- B. An award of damages to be paid by Motorola adequate to compensate Script Transform for Motorola's past infringement of the '629 patent, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Script Transform's reasonable attorneys' fees; and

D. An award to Script Transform of such further relief at law or in equity as the Court deems just and proper.

Dated: July 1, 2020

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