

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SB IP HOLDINGS LLC,

Plaintiff,

v.

VIVINT, INC.,

Defendant.

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Case No. 4:21-CV-00912

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff SB IP Holdings LLC (“SBIP” or “Plaintiff”) files this Second Amended Complaint against Vivint, Inc. (“Vivint” or “Defendant”) and alleges as follows:

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 SB IP Holdings LLC, is a limited liability company organized under the laws of the State of Delaware with its principal place of business at 1 Jenner #100 Irvine, CA 92618.

3. Upon information and belief, Vivint, Inc. is a corporation organized under the laws of the State of Utah with its principal place of business at 4931 North 300 West, Provo, Utah 84604.

4. SBIP, is a wholly owned subsidiary of SkyBell Technologies, Inc. (“SkyBell”), which is in the business of providing leading video doorbell and wireless security solutions. SBIP owns the right to assert and seek damages on a number of patents related to entryway management.

SBIP's patent portfolio is seminal intellectual property in the field of entryway management including inventions related to video doorbell technology. Some of the largest companies in the entryway management industry have taken licenses to SBIP's patent portfolio without litigation. SBIP's notable licensees include The Chamberlain Group, Inc., HeathCo, LLC, and Bot Home Automation, Inc.—makers of the “Ring” video doorbell. These companies licensed SBIP's portfolio without the need for wasteful litigation. These companies should be commended for appreciating the patent rights of others and licensing the SBIP patent portfolio in order to ensure a freedom to operate in the space.

5. SBIP's parent company, SkyBell, is an industry leader in video doorbell and home security solutions industry and was one of the first companies to offer the modern video doorbell in January 2014. Since that time, SkyBell has invested substantial money and time into developing world-class video doorbells and security technology. SkyBell is one of the leading business-to-business doorbell companies and is regularly sought after to provide highly integrated, customer solutions to industry partners. SkyBell's existing products are shown below and by filing this suit, SBIP seeks to protect the market share of SkyBell.

6. On November 17, 2020, SBIP filed suit against Vivint in this district (Case No. 4:20-cv-00886, referred herein as “Case 1”) in order to enforce its patent rights for U.S. Patent Nos. 9,432,638 (the “638 Patent”), 9,485,478 (the “478 Patent”), 9,516,284 (the “284 Patent”), 9,635,323 (the “323 Patent”), 9,648,290 (the “290 Patent”), 9,414,030 (the “030 Patent”), and 10,674,120 (the “120 Patent”). This case is currently pending.

JURISDICTION AND VENUE

7. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

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

9. Vivint is subject to this Court's specific and general personal jurisdiction due to its substantial business in this forum. For example, upon information and belief, Vivint is subject to the specific personal jurisdiction of this Court because SBIP's claims for patent infringement arise from Vivint's acts of infringement in the State of Texas. These acts of infringement include selling infringing products in the State of Texas and placing infringing products into the stream of commerce through an established distribution channel with full awareness that substantial quantities of the products have been shipped into the State of Texas. Therefore, this Court has personal jurisdiction over Vivint under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE § 17.042. Vivint admitted that it is subject to personal jurisdiction of the Court in case 1. *See* Case 1, Dkt. 34 at ¶ 8.

10. Venue is proper in this judicial district under 28 U.S.C. § 1400(b). Vivint offers products and services and conducts business in the Eastern District of Texas. *See Wireless Communications Mobile, LLC v. Vivint, Inc.*, No. 6:19-cv-00163-JCB-JDL (E.D. Tex.), Dkt. 16, ¶ 11 ("Vivint admits it offers products and services and conducts business in the United States, the

State of Texas, and the Eastern District of Texas.’’). As depicted below, Vivint’s website describes areas within this District as part of its service area.

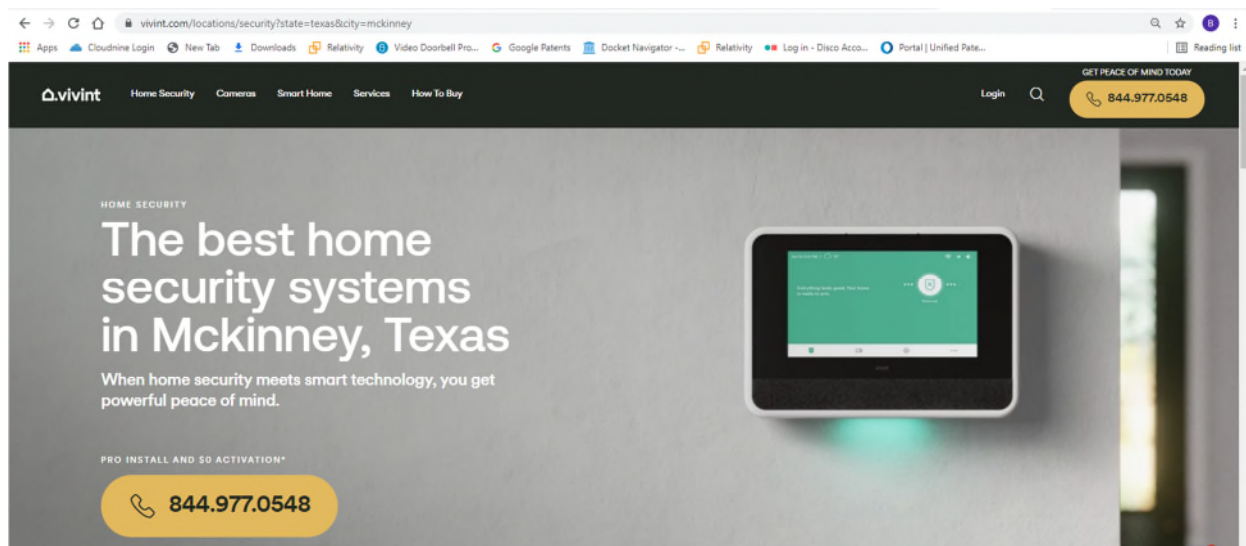


Fig. 1 (<https://www.vivint.com/locations/texas/mckinney>)

11. On information and belief, Vivint’s “business specifically depend[s] on employees being physically present at places in the district, and it [is] undisputable that [Vivint] affirmatively acted to make permanent operations within [this] district to service its customers.” *In re Cray Inc.*, 871 F.3d 1355, 1365–66 (Fed. Cir. 2017) (citing *In re Cordis Corp.*, 769 F.2d 733, 736 (Fed. Cir. 1985)). At least through these employees, Vivint “does its business in [this] district through a permanent and continuous presence.” *In re Cordis Corp.*, 769 F.2d 733, 737 (Fed. Cir. 1985).

12. In addition, Vivint has at least one regular and established place of business in this District at 1115 W Hickory St # 105, Denton, TX 76201 and has committed and continues to

commit acts of infringement in this District. For example, Vivint's regular and established place of business in Denton in this District is a physical building, depicted below.

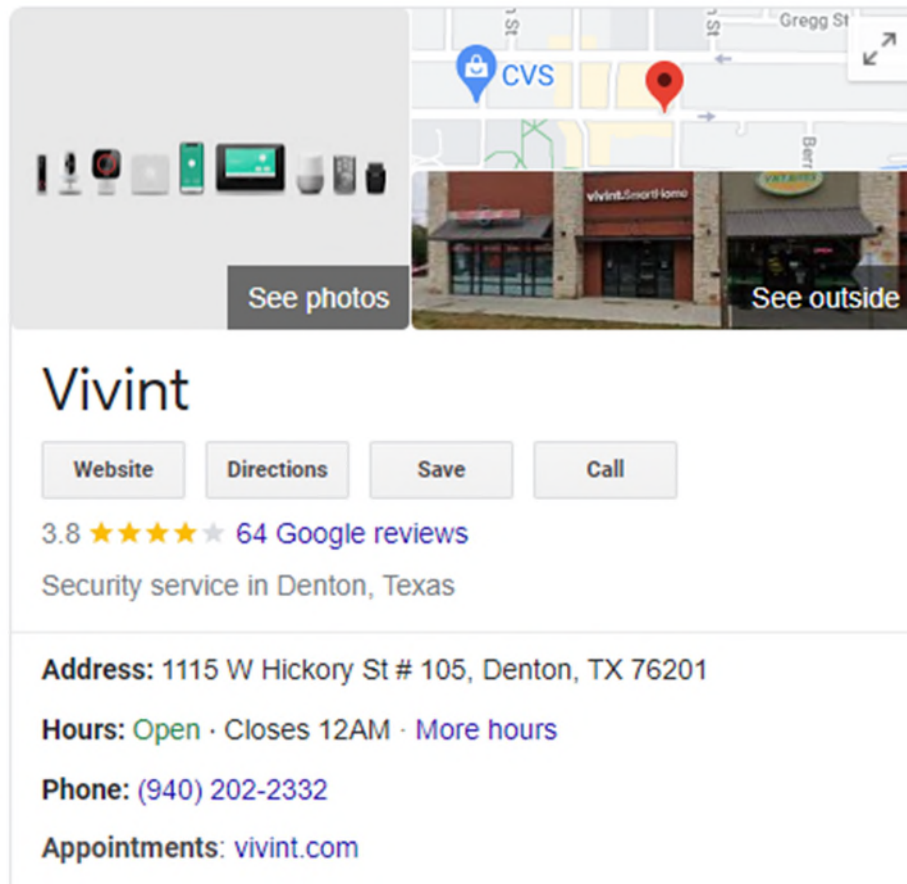


Fig. 2

https://www.google.com/search?q=vivint+denton+texas&rlz=1C1GCEB_enUS935US935&oq=vivint+denton&aqs=chrome.0.69i59j69i57j69i6013.5609j1j15&sourceid=chrome&ie=UTF-8



Fig. 3

(<https://www.google.com/maps/place/1115+W+Hickory+St,+Denton,+TX+76201/@33.214624797.1445313,3a,75y,176.15h,90.92t/data=!3m6!1e1!3m4!1srZRVFKzijuN6AE4QfWKLzQ!2e0!7i16384!8i8192!4m8!1m2!2m1!1sgoogle+maps+street+view+1115+w.+hickory+st+denton+tx!3m4!1s0x864dca664fea2e4f:0x8b0c180385d20b66!8m2!3d33.214351!4d-97.144753>)

13. According to Denton County property and tax records for 2021, this building is 100% owned by Vivint. *See In re Cray Inc.*, 871 F.3d 1355, 1360 (Fed. Cir. 2017).

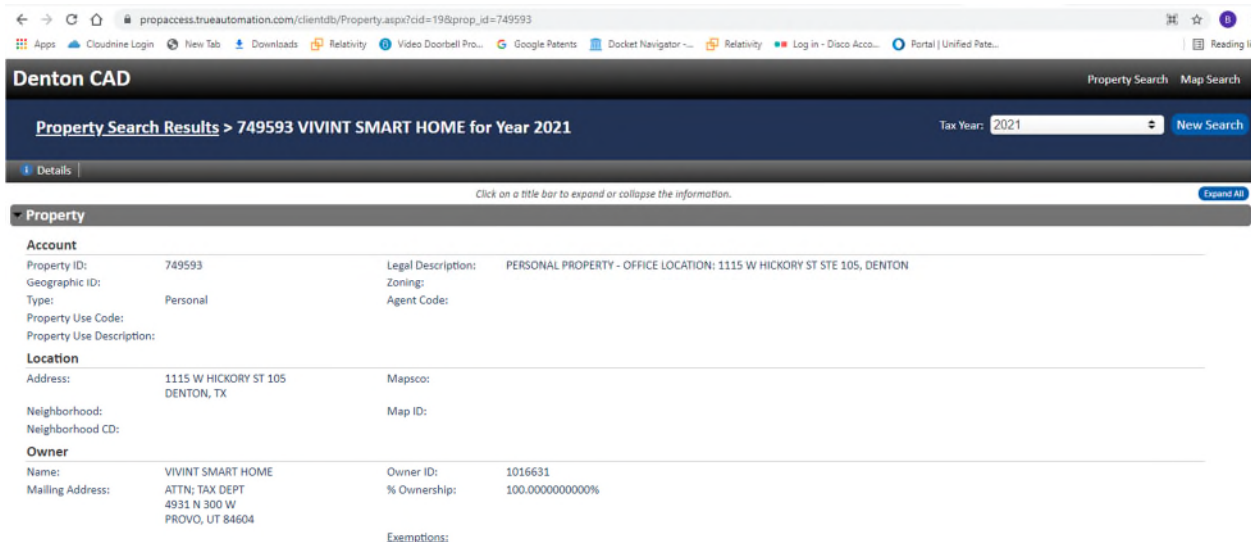


Fig. 4 (https://propaccess.trueautomation.com/clientdb/Property.aspx?cid=19&prop_id=749593)

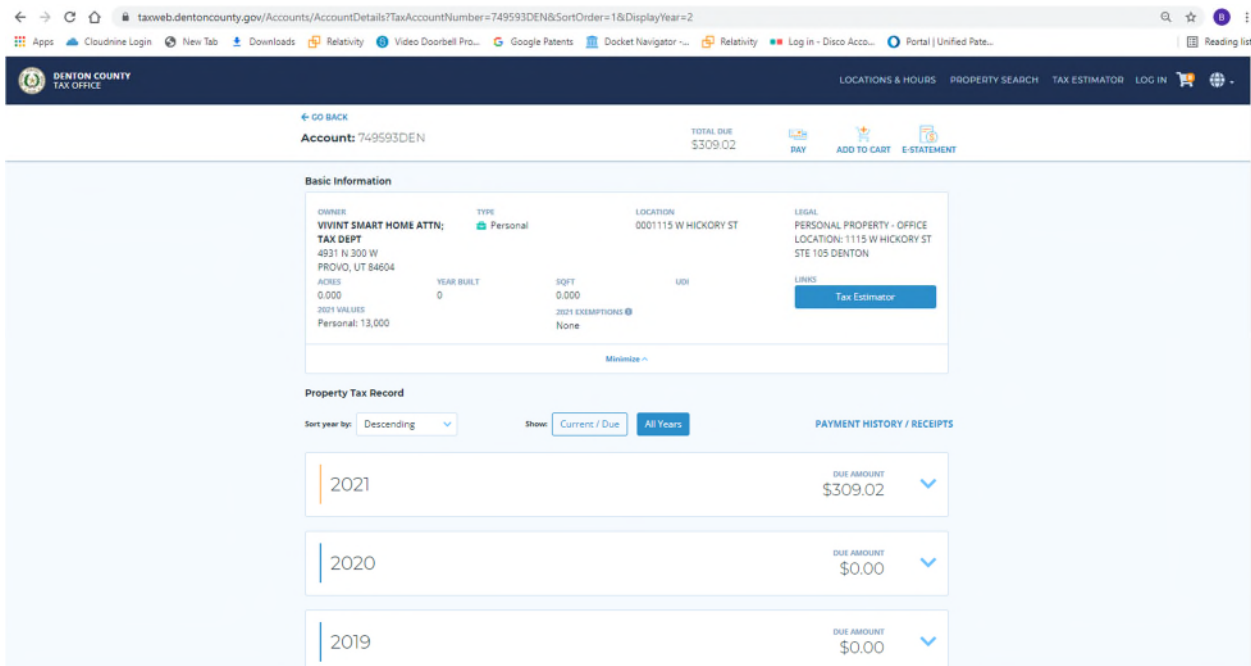


Fig. 5
 (<https://taxweb.dentoncounty.gov/Accounts/AccountDetails?TaxAccountNumber=749593DEN&SortOrder=1&DisplayYear=2>)

PATENTS-IN-SUIT

14. SBIP is the owner and the assignee of U.S. Patent No. 7,193,644 (the “’644 Patent”), entitled “Automated Audio Video Messaging and Answering System.” SBIP has ownership of all substantial rights in the ’644 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the ’644 Patent is attached as Exhibit A.

15. The ’644 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

16. SBIP is the owner and the assignee of U.S. Patent No. 8,139,098 (the “’098 Patent”), entitled “Video Communication Method for Receiving Person at Entrance.” SBIP has ownership of all substantial rights in the ’098 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the ’098 Patent is attached as Exhibit B.

17. The ’098 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

18. SBIP is the owner and the assignee of U.S. Patent No. 8,144,183 (the “’183 Patent”), entitled “Two-Way Audio-Video communication method for receiving person at entrance.” SBIP has ownership of all substantial rights in the ’183 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the ’183 Patent is attached as Exhibit C.

19. The ’183 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

20. SBIP is the owner and the assignee of U.S. Patent No. 8,144,184 (the “’184 Patent”), entitled “Detection and Viewing System.” SBIP has ownership of all substantial rights

in the '184 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '184 Patent is attached as Exhibit D.

21. The '184 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

22. SBIP is the owner and the assignee of U.S. Patent No. 8,154,581 (the "'581 Patent"), entitled "Audio-Video Communication System for Receiving Person at Entrance." SBIP has ownership of all substantial rights in the '581 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '581 Patent is attached as Exhibit E.

23. The '581 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

24. SBIP is the owner and the assignee of U.S. Patent No. 8,164,614 (the "'614 Patent"), entitled "Communication and Monitoring System." SBIP has ownership of all substantial rights in the '614 Patent, including the right to exclude others and to enforce, sue and recover damages for past and future infringement. A true and correct copy of the '614 Patent is attached as Exhibit F.

25. The '614 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

26. The '644, '098, '183, '184, '581, and '614 Patents are collectively the "Patents-in-Suit."

ACCUSED PRODUCTS

27. Upon information and belief, Vivint makes, uses, offers to sell, sells, and/or imports products including video doorbells, video doorbell accessories such as control panels and electronic locks, IP cameras, and video recording accessories for use with its video doorbells and IP cameras. Vivint’s video doorbell and video doorbell accessories include its Doorbell Camera, Doorbell Camera Pro, Control Panel, Smart Locks, and all other similar products (the “Video Doorbell Products”). Vivint’s IP camera products include its Outdoor Camera Pro, and all other similar products (the “IP Camera Products”). Vivint’s video recording products include its Smart Drive Playback DVR and all other similar products (the “Video Recording Products”). Vivint also provides Android and iOS apps for use with its Video Doorbell Products, IP Camera Products, and Video Recording Products (“User Applications”). Further, upon information and belief, Vivint operates user agents, proxy servers, registrar servers, redirect servers, session border controllers, gateways, and/or other servers or computers that support and interact with Vivint’s Android and iOS apps, Video Doorbell Products, IP Camera Products, and Video Recording Products (the “Backend System”). Vivint’s Video Doorbell Products, IP Camera Products, Video Recording Products, User Applications, and Backend System are collectively referred to as the “Accused Products” or “Accused System.”

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,193,644

28. The allegations set forth in the foregoing paragraphs are hereby realleged and incorporated herein by reference.

29. In violation of 35 U.S.C. § 271(a), Vivint has directly infringed and continues to directly infringe, both literally and/or under the doctrine of equivalents, the ’644 Patent by making,

using, offering for sale, selling, and/or importing devices in the United States, including within this judicial district, that infringe at least claim 1 of the '644 Patent without the authority of SBIP.

30. For example, upon information and belief, the Vivint Accused System is comprised of an audio-video communication and answering system.

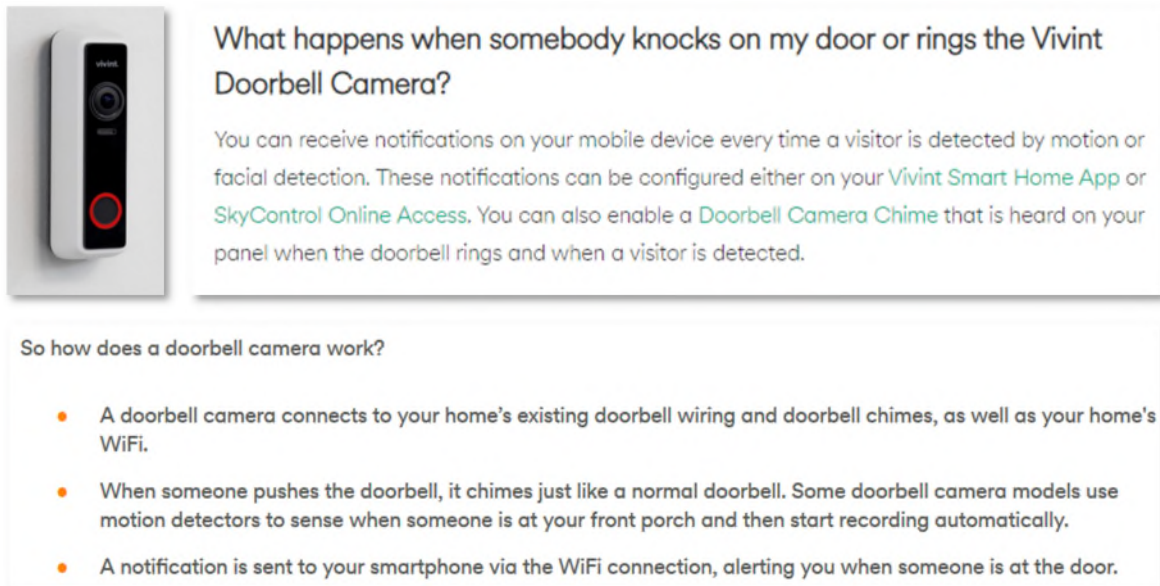


Fig. 6 (top: <https://support.vivint.com/s/article/Doorbell-Camera-FrequentlyAskedQuestions>) (bottom: <https://www.vivint.com/resources/article/how-do-doorbell-cameras-work>)

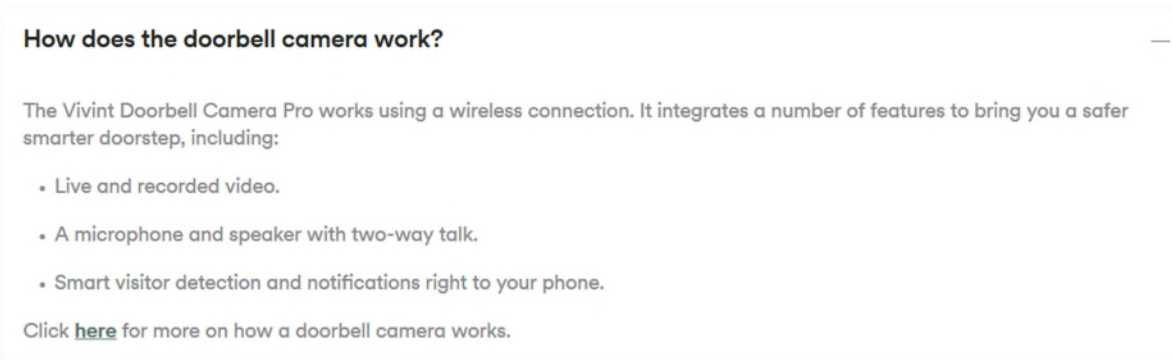








Fig. 7 (<https://www.vivint.com/products/doorbell-camera/vrb20>)

Vivint Outdoor Camera Pro image gallery



Look after your home when you're away

- Smart Sentry™**  Camera detect threats and deters intruders
- Two-way talk**  Built in speaker to tell people to move on.
- 4K sensor**  Market leading 1080p resolution and HD zoom
- Surveillance Zone**  Set the area the security camera can cover
- Wide angle lens with night vision**  140 degree view, widest for security cameras.
- Hybrid Wired Wi-Fi connection**  Reduced buffering for better video quality.

Features


Smart Sentry™	<h3>One big (smart) happy family</h3> <p>Enjoy a safer home with cameras and security that work together. As part of your Vivint system, the Outdoor Camera Pro can automatically record when a door or window is opened or even sound an outdoor alarm to ward off unwanted visitors. Two-way talk lets you tell the kids it's time to come inside or tell a lurker that it's time to move on.</p>	
Security Integration		
Superior Optics		
Hybrid Wi-Fi		

Fig. 8 (<https://vivintsmarthomesystems.com/product/vivint-outdoor-camera-pro/>)

31. Upon information and belief, Vivint's Video Doorbell Products and the Vivint IP Camera Products have a proximity sensor, a video camera, a microphone, a speaker, an RF

transmitter, and an RF receiver that are able to determine that a person is present at the entrance and able to transmit images and digital streaming video.

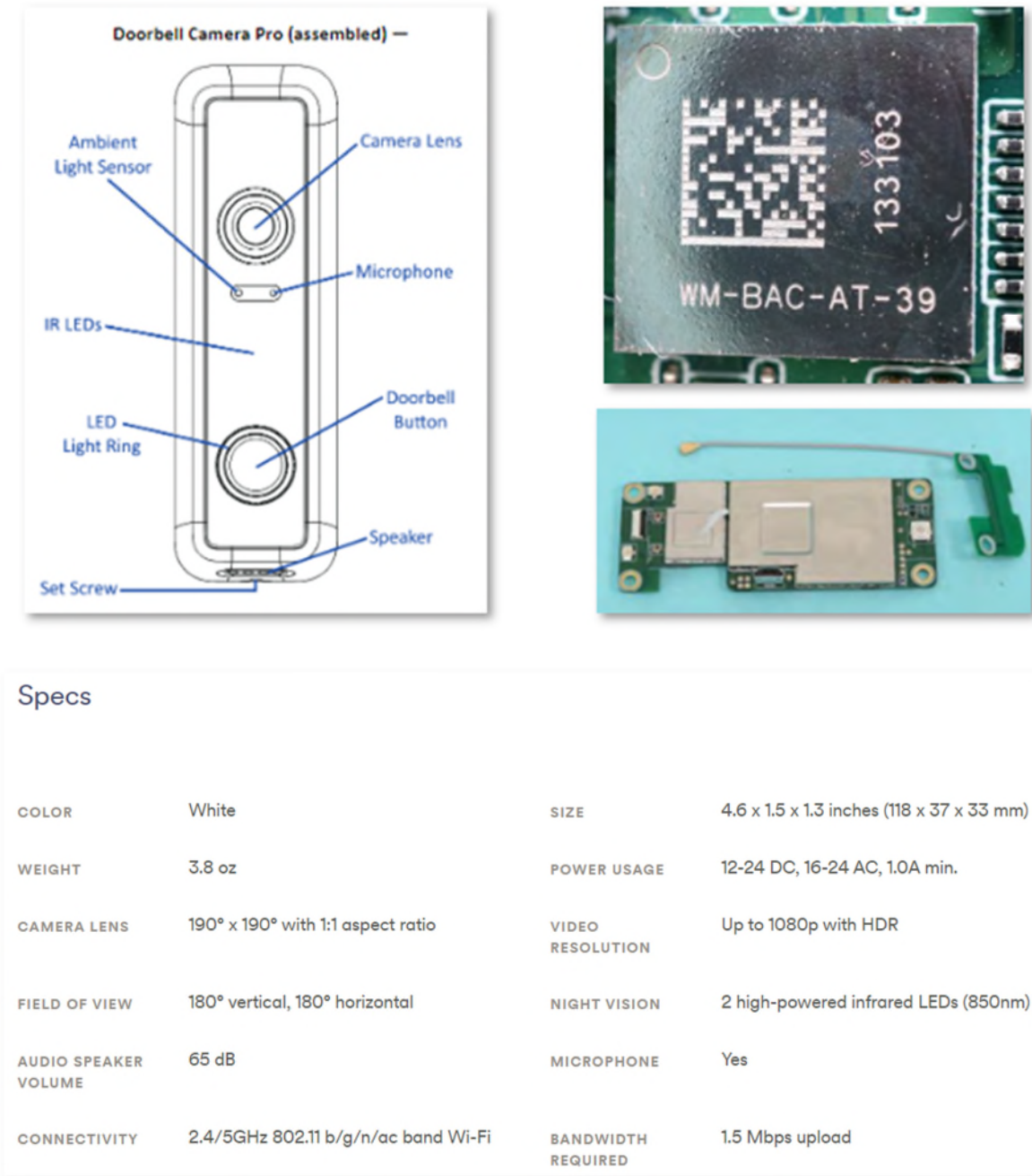


Fig. 9 (left: <https://fccid.io/2AAAS-CM04/User-Manual/User-Manual-4511700>) (upper right: <https://fccid.io/2AAAS-CM04/Internal-Photos/Internal-Photos-4511742> at p. 15 - showing WM-BAC-AT-39 as the transceiver) (lower right: <https://fccid.io/2AAAS-CM04/Internal-Photos/Internal-Photos-4511742> at p. 11 - showing antenna for transmitting) (bottom: <https://www.vivint.com/products/doorbell-camera>)

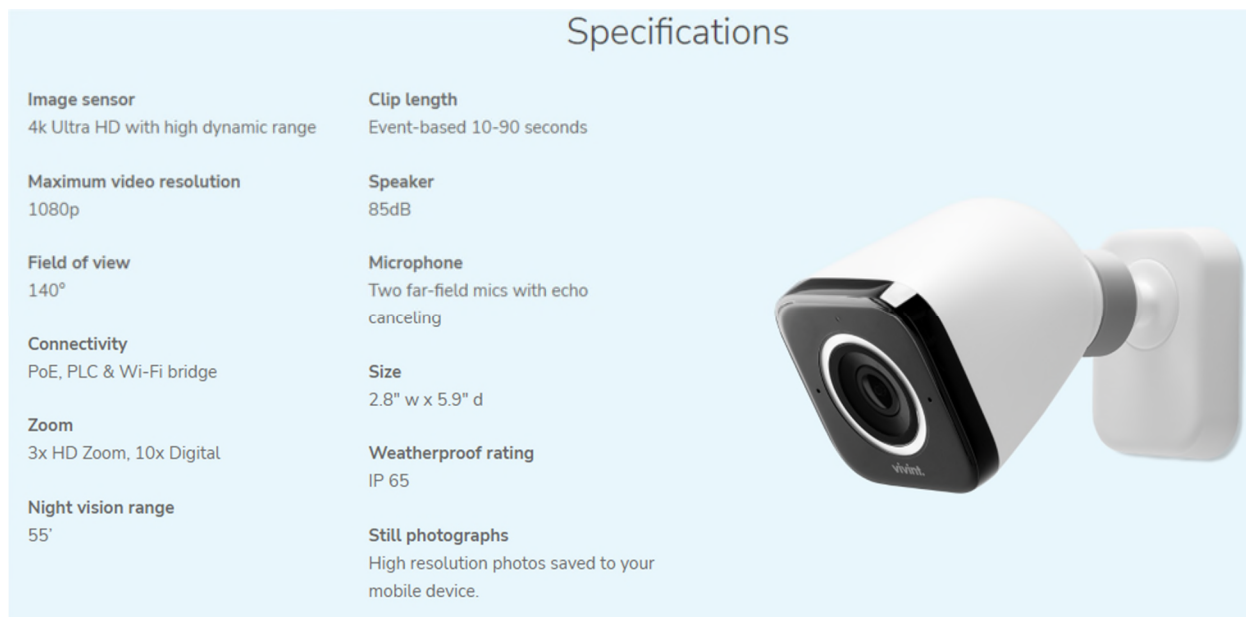


Fig. 10 (<https://vivintsmarthomesystems.com/product/vivint-outdoor-camera-pro/>)

32. Upon information and belief, the Vivint Accused System has a computerized controller running a software application. This computerized controller could include any number

of the following non-limiting examples: the Vivint Control Panel, a router, a hub, a server, a database, or other network components. *See, e.g.*, Fig. 7 above; *see also* Fig. 11 below.



Fig. 11 (<https://www.vivint.com/products/smart-control/vrb20>)

In addition, upon information and belief, the Vivint's Android and iOS apps would be an example of a software application provided by the Vivint Accused System.

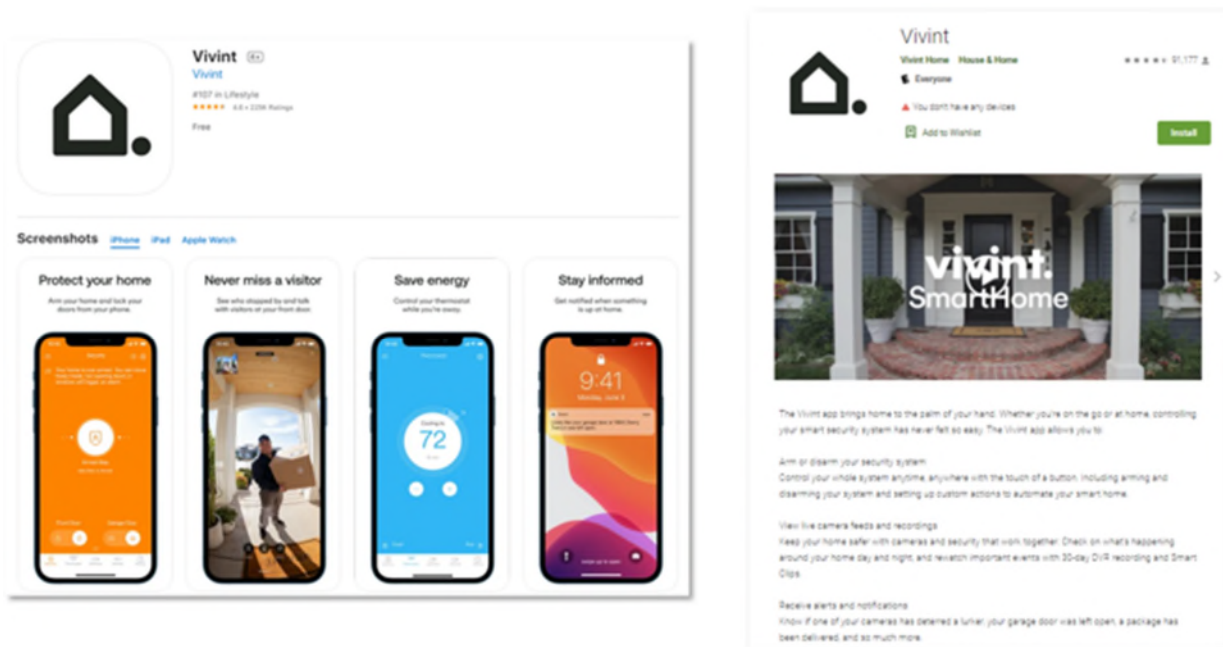


Fig. 12 (Left: <https://apps.apple.com/us/app/vivint/id734547946>);

Fig. 13 (Right: https://play.google.com/store/apps/details?id=com.vivint.vivintsky&hl=en_US&gl=US)

33. Upon information and belief, a wireless router can enable communication between the exterior module and the computerized controller in the Vivint Accused System. For example, upon information and belief, the Vivint Video Doorbell Products and the IP Camera Products utilize a wireless router to connect to the user's Wi-Fi network. *See, e.g.*, Fig. 6 above. In addition, upon information and belief, Vivint provides Vivint Router's for connection to the Accused Products.

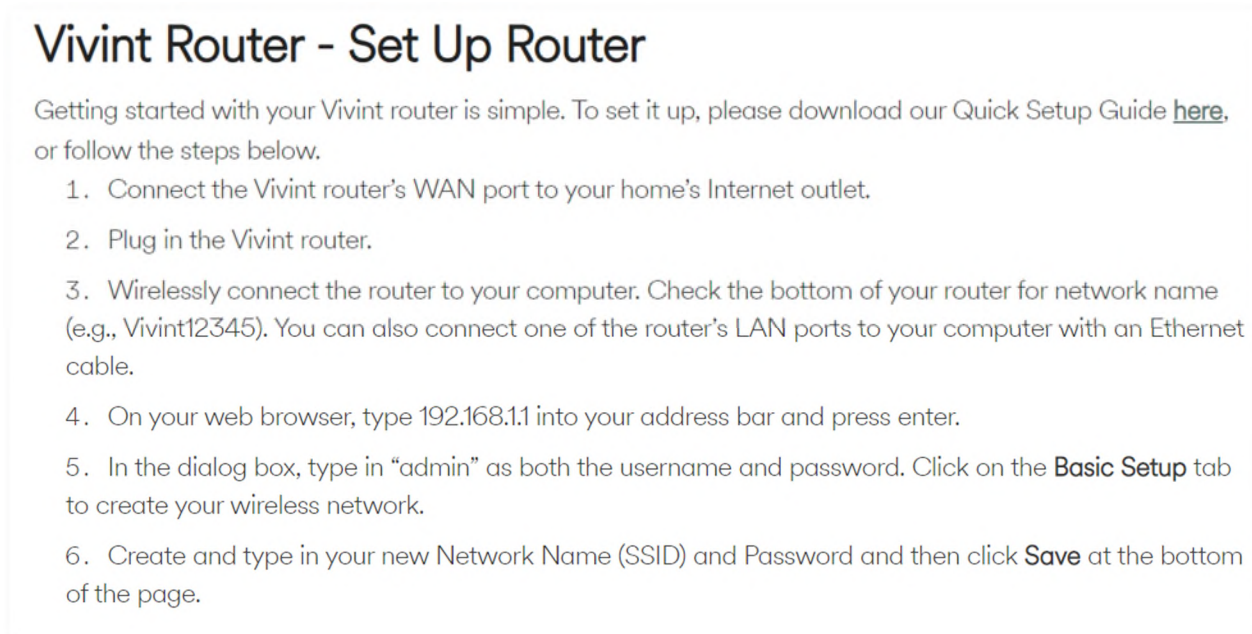


Fig. 14 (<https://support.vivint.com/s/article/Vivint-Router-Set-Up-Router>)

34. Upon information and belief, Vivint's Video Doorbell Products and IP Camera Products have a recording component that records video and audio communication that is transmitted to and from the exterior module. *See, e.g.*, Figs. 6-10 above.

35. Upon information and belief, the Vivint Accused System has a software application with a playing component that plays video and audio communication recorded by the recording

component. For example, Vivint's Android and iOS apps can play recorded video and audio recorded by the Vivint's Video Doorbell Products and IP Camera Products.

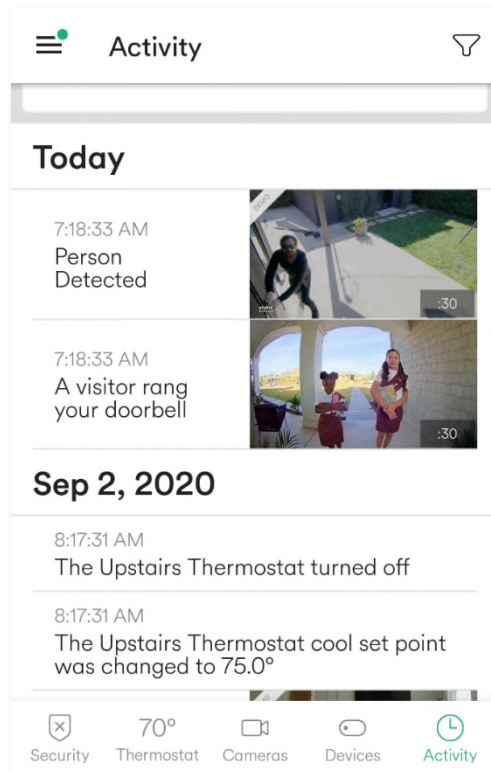


Fig. 15 (Vivint App Screenshot, Activity Page)

36. Upon information and belief, Vivint's Android and iOS apps includes a graphic user interface that enables a user to view images and streaming video from the camera, and that enables the coordination of multiple communication devices and user defined responses to prompts and events. *See, e.g.*, Figs. 12-13 and 14 above. For example, Vivint's Android and iOS apps can

be used to modify settings and control parameters of multiple Vivint camera products and define or set responses to prompts and events. *See, e.g.*, Figs. 16-17 below.

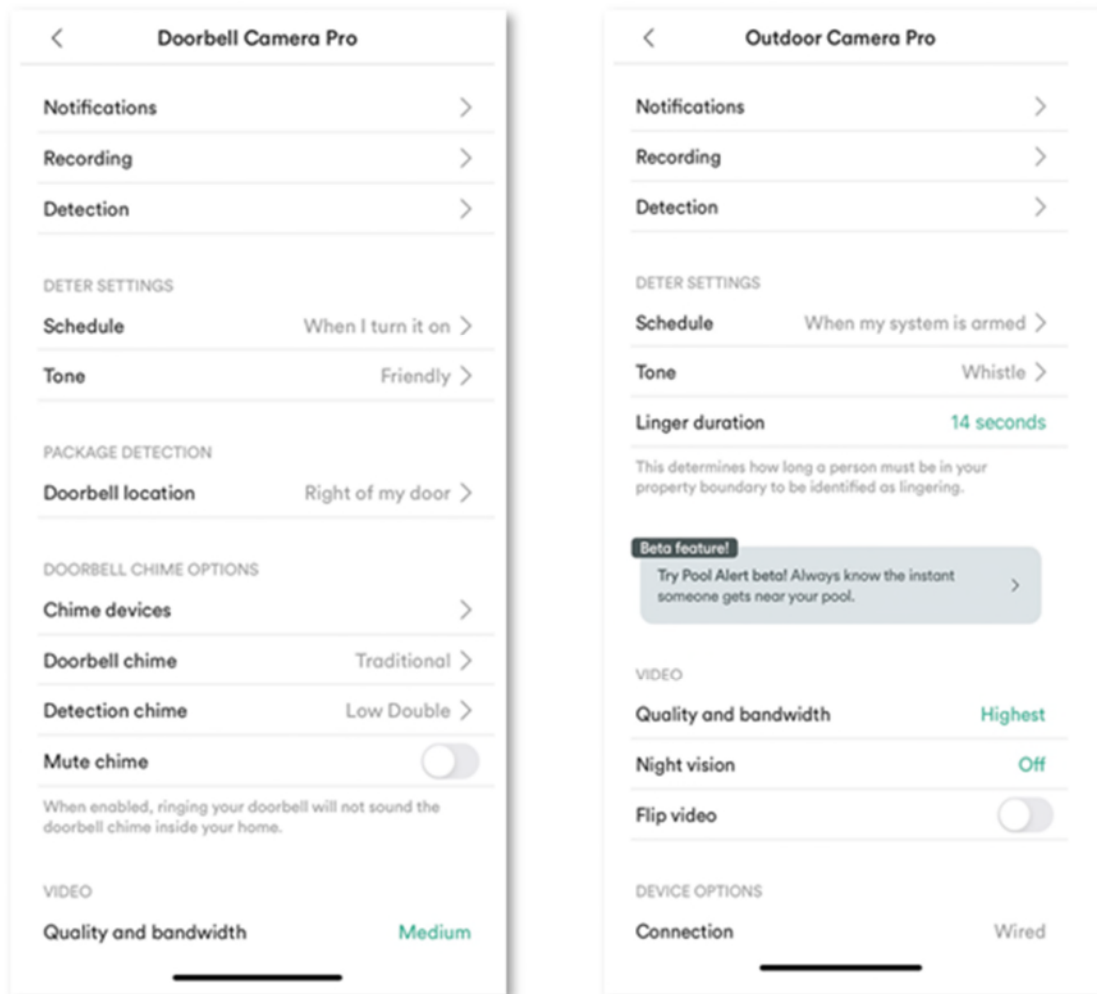


Fig. 16 (Left: Vivint App Screenshot, Cameras→Settings→Doorbell Camera Pro);

Fig. 17 (Right: Vivint App Screenshot, Cameras→Settings→Outdoor Camera Pro)

37. In violation of 35 U.S.C. § 271(b), Vivint has induced its customers and continues to induce its customers to infringe, both literally and/or under the doctrine of equivalents, the '644 Patent by providing instructions via its website, or through other documents that induce its customers to directly infringe the '644 Patent and by making, using, offering for sale, selling, and/or importing devices in the United States, including within this judicial district, that infringe

at least claim 1 of the '644 Patent without the authority of SBIP. *See, e.g.*, <https://www.vivint.com/products/doorbell-camera/vrb20>; <https://fccid.io/2AAAS-CM04/User-Manual/User-Manual-4511700>).

38. Vivint has had knowledge of the '644 Patent since at least the filing date of the Original Complaint (Dkt. 1).

39. Unless enjoined by this Court, Vivint will continue to infringe the '644 Patent.

40. Because of Vivint's infringing activities, SBIP has suffered damages and will continue to suffer damages in the future.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 8,139,098

41. The allegations set forth in the foregoing paragraphs are hereby realleged and incorporated herein by reference.

42. In violation of 35 U.S.C. § 271(a), Vivint has directly infringed and continues to directly infringe, both literally and/or under the doctrine of equivalents, the '098 Patent by making, using, offering for sale, selling, and/or importing devices in the United States, including within this judicial district, that infringe at least claim 1 of the '098 Patent without the authority of SBIP.

43. For example, upon information and belief, the Vivint Accused System provides a method for receiving and detecting the presence of a person at an entrance. *See* Figs. 6-7.

44. Upon information and belief, Vivint's Video Doorbell Products and IP Cameras can detect the presence of a person at an entrance. *See* Figs. 6-8.

45. Upon information and belief, Vivint's Video Doorbell Products and IP Cameras can transmit, to a computerized controller running a software application, video of the person at the entrance recorded using a camera located proximate the entrance. This computerized controller could include any number of the following non-limiting examples: the Vivint Control Panel, a

router, a hub, a server, a database, or other network components. *See, e.g.*, Figs. 7-8 and 11 above. And the software application, for example, could be the software on the Vivint Control Panel or the software Vivint's Android and iOS apps. *See, e.g.*, Figs.12-13 above.

46. Upon information and belief, the Vivint's Android and iOS apps provide a graphic user interface to a remote peripheral device, such as a user's cell phone, by which a user of the remote peripheral device may view the video of the person at the entrance. *See, e.g.*, Figs.12-13 and 15 above.

47. In violation of 35 U.S.C. § 271(b), Vivint has induced its customers and continues to induce its customers to infringe, both literally and/or under the doctrine of equivalents, the '098 Patent by providing instructions via its website, or through other documents that induce its customers to directly infringe the '098 Patent and by making, using, offering for sale, selling, and/or importing devices in the United States, including within this judicial district, that infringe at least claim 1 of the '098 Patent without the authority of SBIP. *See, e.g.*, <https://www.vivint.com/products/doorbell-camera/vrb20>; <https://fccid.io/2AAAS-CM04/User-Manual/User-Manual-4511700>).

48. Vivint has had knowledge of the '098 Patent since at least the filing date of the Original Complaint (Dkt. 1).

49. Unless enjoined by this Court, Vivint will continue to infringe the '098 Patent.

50. Because of Vivint's infringing activities, SBIP has suffered damages and will continue to suffer damages in the future.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 8,144,183

51. The allegations set forth in the foregoing paragraphs are hereby realleged and incorporated herein by reference.

52. In violation of 35 U.S.C. § 271(a), Vivint has directly infringed and continues to directly infringe, both literally and/or under the doctrine of equivalents, the `183 Patent by making, using, offering for sale, selling, and/or importing devices in the United States, including within this judicial district, that infringe at least claim 1 of the `183 Patent without the authority of SBIP.

53. For example, upon information and belief, the Vivint Accused System provides a method for two-way audio-video communications between a first person at an entrance and a second person. *See, e.g.*, Figs. 6-8 above.

54. Upon information and belief, Vivint's Video Doorbell Products and IP Cameras can detect the presence of a first person at an entrance. *See, e.g.*, Figs. 6-8 above; *see also, e.g.*, Fig. 18 below.



Fig. 18 (<https://www.vivint.com/resources/article/how-to-install-outdoor-security-cameras-tips>)

55. Following the detection of the presence of the first person at the entrance, upon information and belief, the Vivint Accused System can provide real time audio-video

communications between the first person at the entrance and a second person using a wireless handheld device. *See, e.g.*, Figs. 6-8 above.

56. Upon information and belief, the Vivint Accused System can transmit, to the wireless handheld device of the second person, video of the first person at the entrance recorded using a camera located proximate the entrance. *See, e.g.*, Figs. 6-10 above. Vivint provides Android and iOS apps for use with the Video Doorbell Products and IP Camera Products that are configured to receive video of the person at the entrance to the handheld device, such as a cell phone, to the user. *See, e.g.*, Figs. 12-13 and 15 above.

57. Upon information and belief, the Vivint Accused System can transmit, to the wireless handheld device of the second person, audio of the first person at the entrance recorded using a microphone located proximate the entrance. *See* Figs. 6-10. Vivint provides Android and iOS apps for use with the Video Doorbell Products and IP Camera Products that are configured to receive audio of the person at the entrance to the handheld device, such as a cell phone, to the user. *See, e.g.*, Figs. 12-13 and 15 above.

58. Upon information and belief, the Vivint Accused System can transmit, to a speaker located proximate the entrance for playing to the first person at the entrance, audio of the second person recorded using the wireless handheld device. *See* Figs. 6-8 above; *see also* Figs. 19-20 below.

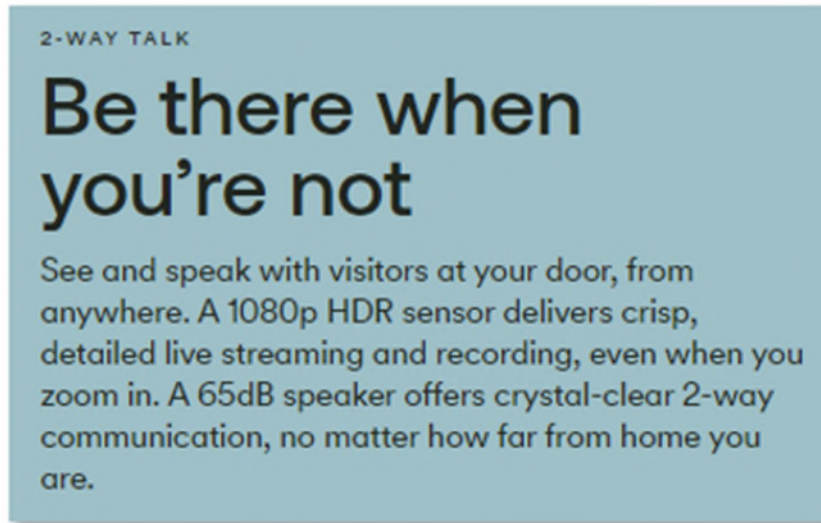


Fig. 19 (<https://www.vivint.com/products/doorbell-camera>)

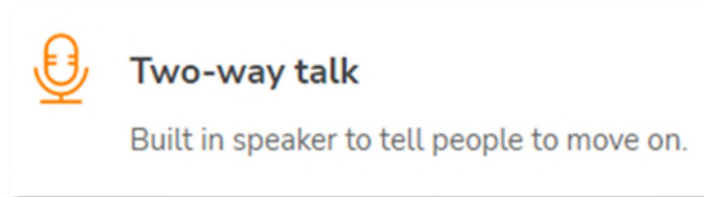


Fig. 20 (<https://vivintsmarthomesystems.com/product/vivint-outdoor-camera-pro/>)

59. In violation of 35 U.S.C. § 271(b), Vivint has induced its customers and continues to induce its customers to infringe, both literally and/or under the doctrine of equivalents, the '183 Patent by providing instructions via its website, or through other documents that induce its customers to directly infringe the '183 Patent and by making, using, offering for sale, selling, and/or importing devices in the United States, including within this judicial district, that infringe at least claim 1 of the '183 Patent without the authority of SBIP. *See, e.g.*, <https://www.vivint.com/products/doorbell-camera/vrb20>; <https://fccid.io/2AAAS-CM04/User-Manual/User-Manual-4511700>).

60. Vivint has had knowledge of the '183 Patent since at least the filing date of the Original Complaint (Dkt. 1).

61. Unless enjoined by this Court, Vivint will continue to infringe the '183 Patent.

62. Because of Vivint's infringing activities, SBIP has suffered damages and will continue to suffer damages in the future.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 8,144,184

63. SBIP alleges and hereby incorporates by reference every allegation made in the foregoing paragraphs of this Complaint as if each were separately set forth herein.

64. In violation of 35 U.S.C. § 271, Vivint has directly infringed and continues to directly infringe, both literally and/or under the doctrine of equivalents, the '184 Patent by making, using, offering for sale, selling, and/or importing the Accused Products in the United States, including within this District, that infringe at least claim 1 of the '184 Patent without the authority of SBIP.

65. Upon information and belief, the Vivint Accused System is comprised of a detection and viewing system. *See, e.g.*, Figs. 6-8 above.

66. Upon information and belief, the Vivint's Video Doorbell Products and IP Camera Products have a wireless device associated with a door and configured to communicate video data, the wireless device including a camera for providing the video data. *See, e.g.*, Figs. 6-10, and 18 above.

67. Upon information and belief, the Vivint's Video Doorbell Products and IP Camera Products have a sensor for activating the camera. *See* Figs. 9-10. For example, Vivint's Video Doorbell Products and IP Camera Products have a sensor that will activate the camera to transmit and/or record video upon detection of an event, such as the presence of a person. *See, e.g.*, Figs. 21-22 below.

Do doorbell cameras record all the time?

The Vivint Doorbell Camera Pro records video any time the sensors detect a visitor. You can also set Custom Actions to record clips when your windows and doors are opened, doors are locked and unlocked at the keypad, when motion inside is detected, or when an alarm is triggered.

Fig. 21 (<https://www.vivint.com/products/doorbell-camera>)

How does the outdoor camera record?

The motion-detection feature on the Outdoor Camera Pro triggers automatic video recording when any movement within the camera's field of vision is detected. But you'll only get notified when the camera detects people, not pets or passing cars. And the camera doesn't stop recording until the action's over.

Browsing footage later is a breeze since recorded segments are automatically saved as Vivint Smart Clips. Watch clips at your convenience, or create custom alerts to notify you about activity around your home through your hub or app.

Learn more about how the award-winning [Outdoor Camera Pro](#) keeps home safe.

Fig. 22 (<https://www.vivint.com/products/outdoor-camera>)

68. Upon information and belief, the Vivint Accused System has a plurality of peripheral devices, each peripheral device associated with a respective user. For example, each Video Doorbell Product and IP Camera Product works with a software application operable to run on multiple peripheral devices, wherein each peripheral device is associated with a respective user, wherein user access is administered on the software application. *See, e.g.*, Figs 12-13 and 15 above; *see also, e.g.*, Fig. 23 below.

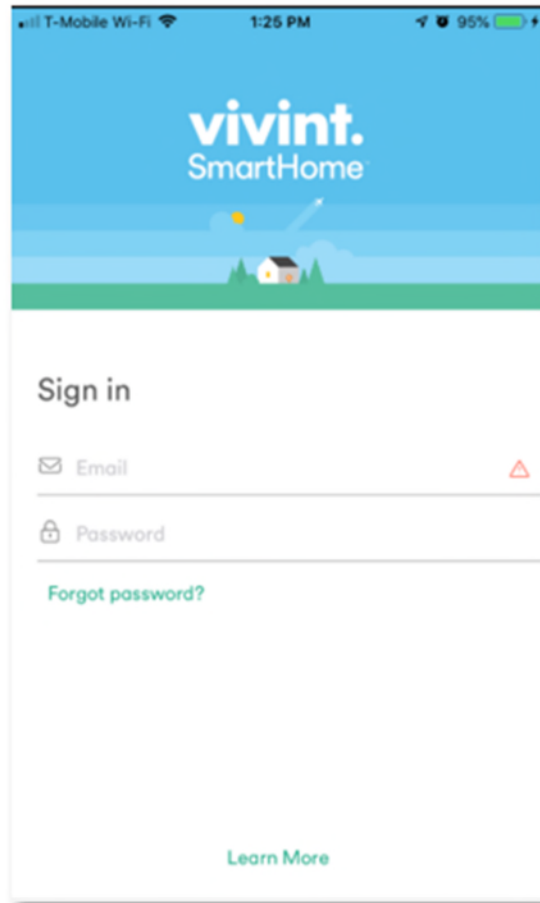


Fig. 23 (Screenshot Vivint App login page)

69. Upon information and belief, Vivint Accused System has a computer configured for communication with the wireless device and configured for communication with each of the peripheral devices. This computer could include any number of the following non-limiting examples: the Vivint Control Panel, a router, a hub, a server, a database, or other network components. *See, e.g.*, Fig. 11 above.

70. Upon information and belief, the Vivint Accused System has a computer that executes software. *See, e.g.*, Fig. 11 above.

71. Upon information and belief, the Vivint Accused System has a computer that executes software to maintain the association of each of the peripheral devices with a respective

user. For example, each Video Doorbell Product and IP Camera Product works with a software application operable to run on multiple peripheral devices, wherein each peripheral device is associated with a respective user, wherein user access is administered on the software application. *See, e.g.*, Figs. 12-13 and 23 above.

72. Upon information and belief, the Vivint Accused System has a computer that executes software to receive video data from the Video Doorbell Products and IP Camera Products upon actuation of a sensor. *See, e.g.*, Figs.6-8 and 21-22 above.

73. Upon information and belief, the Vivint Accused System has a computer that executes software to provide a graphical user interface through which video data from the wireless device is accessible by each respective user using one of the peripheral devices. *See, e.g.*, Figs.6-8 and 15 above; *see also, e.g.*, Fig. 24 below.

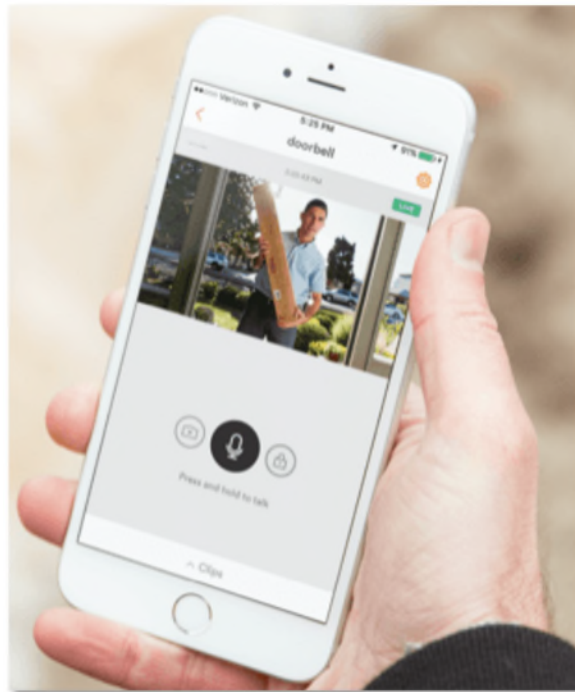


Fig. 24 (<https://www.vivintsource.com/equipment/doorbell-camera>)

74. In violation of 35 U.S.C. § 271(b), Vivint has induced its customers and continues to induce its customers to infringe, both literally and/or under the doctrine of equivalents, the

'184 Patent by providing instructions via its website, or through other documents that induce its customers to directly infringe the '184 Patent and by making, using, offering for sale, selling, and/or importing devices in the United States, including within this judicial district, that infringe at least claim 1 of the '184 Patent without the authority of SBIP. *See, e.g.*, <https://www.vivint.com/products/doorbell-camera/vrb20>; <https://fccid.io/2AAAS-CM04/User-Manual/User-Manual-4511700>).

75. Vivint has had knowledge of the '184 Patent since at least the filing date of the Original Complaint (Dkt. 1).

76. Unless enjoined by this Court, Vivint will continue to infringe the '184 Patent.

77. Because of Vivint's infringing activities, SBIP has suffered damages and will continue to suffer damages in the future.

COUNT V – INFRINGEMENT OF U.S. PATENT NO. 8,154,581

78. SBIP alleges and hereby incorporates by reference every allegation made in the foregoing paragraphs of this Complaint as if each were separately set forth herein.

79. In violation of 35 U.S.C. § 271, Vivint has directly infringed and continues to directly infringe, both literally and/or under the doctrine of equivalents, the '581 Patent by making, using, offering for sale, selling, and/or importing the Accused Products in the United States, including within this District, that infringe at least claims 1 and 4 of the '581 Patent without the authority of SBIP.

80. For example, upon information and belief, the Vivint Accused System is comprised of an audio-video communication system. *See, e.g.*, Figs. 6-8 above.

81. Upon information and belief, the Vivint Accused System has a wireless exterior module located proximate an entrance, said wireless exterior module having a proximity sensor

for detecting a person at the entrance, a video camera for recording an image of the person at the entrance, a microphone for recording sound of the person at the entrance, a speaker for playing audio to the person at the entrance, a transmitter for communicating sounds and images of the person at the entrance, and a receiver for receiving communications at the wireless exterior module. *See, e.g.*, Figs. 6-10 and 18 above.

82. Upon information and belief, the Vivint Accused System has a computerized controller running a software application and disposed in wireless electronic communication with said wireless exterior module via said transmitter and said receiver of said wireless exterior module. *See, e.g.*, Figs. 6-10. This computerized controller could include any number of the following non-limiting examples: the Vivint Control Panel, a router, a hub, a server, a database, or other network components. *See, e.g.*, Fig. 11 above.

83. Upon information and belief, the Vivint Accused System has a computerized controller configured to control recording of communications with said wireless exterior module and playback of such recording, and wherein said software application includes a graphic user interface that enables a user to view images from said video camera communicated from said wireless exterior module. *See, e.g.*, Figs. 6-10, 11-13, 15, and 23 above.

84. Upon information and belief, the Vivint Accused System has a remote peripheral device configured to electronically communicate with said computerized controller for viewing an image from said video camera communicated from said wireless exterior module. *See, e.g.*, Figs. 12-13, 15, 19-20, and 24 above.

85. Upon information and belief, the Vivint Accused System has a graphic user interface that enables a user to view streaming video with said remote peripheral device. *See, e.g.*, Figs. 12-13, 15, 19-20, and 24 above.

86. In violation of 35 U.S.C. § 271(b), Vivint has induced its customers and continues to induce its customers to infringe, both literally and/or under the doctrine of equivalents, the '581 Patent by providing instructions via its website, or through other documents that induce its customers to directly infringe the '581 Patent and by making, using, offering for sale, selling, and/or importing devices in the United States, including within this judicial district, that infringe at least claims 1 and 4 of the '581 Patent without the authority of SBIP. *See, e.g.*, <https://www.vivint.com/products/doorbell-camera/vrb20>; <https://fccid.io/2AAAS-CM04/User-Manual/User-Manual-4511700>).

87. Vivint has had knowledge of the '581 Patent since at least the filing date of the Original Complaint (Dkt. 1).

88. Unless enjoined by this Court, Vivint will continue to infringe the '581 Patent.

89. Because of Vivint's infringing activities, SBIP has suffered damages and will continue to suffer damages in the future.

COUNT VI – INFRINGEMENT OF U.S. PATENT NO. 8,164,614

90. The allegations set forth in the foregoing paragraphs are hereby realleged and incorporated herein by reference.

91. In violation of 35 U.S.C. § 271(a), Vivint has directly infringed and continues to directly infringe, both literally and/or under the doctrine of equivalents, the '614 Patent by making, using, offering for sale, selling, and/or importing devices in the United States, including within this judicial district, that infringe at least claims 1 and 2 of the '614 Patent without the authority of SBIP.

92. For example, upon information and belief, Vivint's Accused System is comprised of a communications and monitoring system. *See, e.g.*, Figs. 6-8 above.

93. Upon information and belief, Vivint's Video Doorbell Products have a wireless a wireless device associated with a door and configured to communicate audio and video data. *See, e.g.*, Figs. 6-10, 12-13, 15, 19-20, and 24 above.

94. Upon information and belief, Vivint's Accused System has a plurality of peripheral devices, each peripheral device associated with a respective user. For example, each Video Doorbell Product and IP Camera Product works with a software application operable to run on multiple peripheral devices, wherein each peripheral device is associated with a respective user, wherein user access is administered on the software application. *See, e.g.*, Figs 12-13, 15, and 23 above.

95. Upon information and belief, Vivint's Accused System has a computer configured for communication with the wireless device and configured for communication with each of the peripheral devices. This computer could include any number of the following non-limiting examples: the Vivint Control Panel, a router, a hub, a server, a database, or other network components. *See, e.g.*, Fig. 11 above.

96. Upon information and belief, Vivint's Accused System has a computer that executes software. *See, e.g.*, Fig. 11 above.

97. Upon information and belief, Vivint's Accused System has a computer that executes software that maintains the association of each of the peripheral devices with a respective user. For example, each Video Doorbell Product and IP Camera Product works with a software application operable to run on multiple peripheral devices, wherein each peripheral device is associated with a respective user, wherein user access is administered on the software application. *See, e.g.*, Figs. 12-13 and 23above.

98. Upon information and belief, Vivint's Accused System has a computer that executes software that receives audio and video data from the wireless device. *See, e.g.*, Figs. 6-10, 12-13, 15, 19-20, and 24 above.

99. Upon information and belief, Vivint's Accused System has a computer that executes software to provide a graphical user interface through which audio and video data from the wireless device is accessible by each respective user using one of the peripheral devices. *See, e.g.*, Figs. 6-10, 12-13, 15, 19-20, and 24 above.

100. Upon information and belief, Vivint's Video Doorbell Products and IP Camera Products have a wireless device that includes a camera, a microphone, a speaker, an RF transmitter, and an RF receiver. *See, e.g.*, Figs. 9-10 above.

101. In violation of 35 U.S.C. § 271(b), Vivint has induced its customers and continues to induce its customers to infringe, both literally and/or under the doctrine of equivalents, the '614 Patent by providing instructions via its website, or through other documents that induce its customers to directly infringe the '614 Patent and by making, using, offering for sale, selling, and/or importing devices in the United States, including within this judicial district, that infringe at least claims 1 and 2 of the '614 Patent without the authority of SBIP. *See, e.g.*, <https://www.vivint.com/products/doorbell-camera/vrb20>; <https://fccid.io/2AAAS-CM04/User-Manual/User-Manual-4511700>).

102. Vivint has had knowledge of the '614 Patent since at least the filing date of the Original Complaint (Dkt. 1).

103. Unless enjoined by this Court, Vivint will continue to infringe the '614 Patent.

104. Because of Vivint's infringing activities, SBIP has suffered damages and will continue to suffer damages in the future.

JURY DEMAND

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

PRAYER FOR RELIEF

106. WHEREFORE, SBIP respectfully requests that this Court enter judgment for SBIP and against Vivint as follows:

- A. An adjudication that Vivint has infringed each of the Patents-in-Suit.
- B. An award of damages to be paid by Vivint adequate to compensate SBIP for Vivint's past infringement of the Patents-in-Suit 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 permanent injunction enjoining Vivint and its officers, agents, servants, employees, users, attorneys, and all those persons in active concert or participation with Vivint from the acts described in this Complaint;
- D. An order requiring Vivint to pay an ongoing royalty in an amount to be determined for any continued infringement after the date judgment is entered;
- E. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of SBIP's reasonable attorneys' fees;
- F. An award to SBIP of such further relief at law or in equity as the Court deems just and proper.

Dated: September 2, 2022

Respectfully submitted,

/s/ Gary R. Sorden

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2022, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Sherman Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Gary R. Sorden

Gary R. Sorden