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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VIGILOS, INC.,

Plaintiff,

v.

VPROTECT SYSTEMS, INC.

Defendant.

Case No.:

CV04-1457 RSM

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

ORIGINAL

Plaintiff, Vigilos, Inc. ("Vigilos"), complains of defendant, VProtect Systems, Inc. ("VProtect"), as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

2. Vigilos is a Washington corporation with its principal place of business at 2030 First Avenue, Suite 300, Seattle, Washington 98121. Vigilos is the named assignee of, owns all right title and interest in, and has standing to sue for infringement of United States Patent No. 6,698,021, entitled "System and Method for Remote Control of Surveillance Devices," issued February 24, 2004 ("the '021 patent") (Exhibit A).

1 3. Defendant VProtect is a Delaware corporation with a principal place of business
2 at 2445 Huntington Drive, San Marino, California 91108. Upon information and belief,
3 VProtect transacts business and has sold to customers in this judicial district and throughout the
4 State of Washington products that infringe claims of the '021 patent. Also upon information and
5 belief, VProtect has induced and contributed to the infringement of claims of the '021 patent by
6 others in this judicial district.

7 **JURISDICTION AND VENUE**

8 4. This Court has exclusive jurisdiction over the subject matter of the Complaint
9 under 28 U.S.C. §§ 1331 and 1338(a).

10 5. Personal Jurisdiction over the defendant is proper in this Court. Venue in this
11 judicial district is proper under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

12 **DEFENDANT'S ACTS OF PATENT INFRINGEMENT**

13 6. VProtect has infringed the '021 patent through, among other activities, the
14 manufacture, use, importation, sale and/or offer for sale of network video products, including, by
15 way of example but not limitation, VProtect's direct viewing, remote monitoring, and digital
16 recording systems. VProtect has also infringed the '021 patent by knowingly and actively
17 inducing others to infringe, and by contributing to the infringement by others.

18 7. VProtect's infringement, contributory infringement and inducement to infringe
19 have been willful and deliberate and have injured and will continue to injure Vigilos, unless and
20 until this Court enters an injunction prohibiting further infringement and, specifically, enjoining
21 further manufacture, use, importation, sale and/or offer for sale of products that fall within the
22 scope of the '021 patent.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Vigilos asks this Court to enter judgment against VProtect, and against
25 its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or
26 participation with it, granting the following relief:

1 A. An award of damages adequate to compensate Vigilos for the infringement that
2 has occurred, together with prejudgment interest from the date infringement of the '021 patent
3 began;

4 B. Increased damages as permitted under 35 U.S.C. § 284;

5 C. A finding that this case is exceptional and an award to Vigilos of its attorneys'
6 fees and costs as provided by 35 U.S.C. § 285;

7 D. A permanent injunction prohibiting further infringement, inducement and
8 contributory infringement of the '021 patent; and,


9 E. Such other and further relief as this Court or a jury may deem proper and just.

10 **JURY DEMAND**

11 Vigilos demands a trial by jury on all issues presented in this Complaint.

12 DATED this 24th day of June, 2004.

13 FOR VIGILOS, INC.

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