

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

SIPCO, LLC,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	
v.)	
)	
COMCAST CORPORATION and)	
COMCAST BROADBAND)	
SECURITY, LLC,)	NO. _____
)	
Defendant.)	<u>JURY TRIAL DEMANDED</u>
_____)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff SIPCO, LLC (“SIPCO”) hereby makes this Complaint for patent infringement against Defendants COMCAST CORPORATION (“COMCAST CORP.”) and COMCAST BROADBAND SECURITY, LLC (“COMCAST SECURITY”) and in support alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement, brought under the Patent Act, 35 U.S.C. §§101 *et seq.* Plaintiff SIPCO is the leading company in the design and development of wireless mesh networks. As set forth more fully below, Defendants are willfully infringing a number of SIPCO’s patents.

2. U.S. Patent No. 7,103,511 (the “511 Patent”), entitled “Wireless Communication Networks For Providing Remote Monitoring Of Devices,” was duly and legally issued on September 5, 2006 by the U.S. Patent and Trademark Office to StatSignal IPC, LLC, the assignee of the named inventor Thomas D. Petite. A copy of the ‘511 Patent is attached hereto as Exhibit A.

3. U.S. Patent No. 7,697,492 (the “492 Patent”), entitled “Systems and Methods For Monitoring And Controlling Remote Devices,” was duly and legally issued on April 13, 2010 by the

U.S. Patent and Trademark Office to SIPCO, LLC, the assignee of the named inventor Thomas David Petite. A copy of the '492 Patent is attached hereto as Exhibit B.

4. U.S. Patent No. 7,468,661 (the "'661 Patent'"), entitled "System and Method For Monitoring And Controlling Remote Devices," was duly and legally issued on December 23, 2008 by the U.S. Patent and Trademark Office to Hunt Technologies, Inc., the assignee of the named inventors Thomas David Petite and Richard M. Huff. A copy of the '661 Patent is attached hereto as Exhibit C.

5. U.S. Patent No. 7,053,767 (the "'767 Patent'"), entitled "System and Method For Monitoring And Controlling Remote Devices," was duly and legally issued on May 30, 2006 by the U.S. Patent and Trademark Office to StatSignal Systems, Inc., the assignee of the named inventors Thomas David Petite and Richard M. Huff. A copy of the '767 Patent is attached hereto as Exhibit D.

6. SIPCO is the sole owner of the entire right, title, and interest in the '511 Patent, the '492 Patent, the '661 Patent, and the '767 Patent (collectively, the "Patents-in-Suit") by virtue of assignment, including all rights necessary to prosecute this case and collect all damages, past, present and future, resulting from Defendants' infringement.

7. T. David Petite, the President of Plaintiff SIPCO, is the lead inventor of the technologies embodied in the Patents-in-Suit. Mr. Petite is a pioneer in the field of wireless technology, and his inventions are widely deployed in a variety of products and networks throughout the United States.

8. Mr. Petite has been widely recognized as an entrepreneur. He is the founder of the Native American Inventors Association and is a member of the Professional Awards Selection Committee of the American Indian Science Engineering Society.

9. Mr. Petite's contributions have been widely recognized as dozens of companies throughout the Smart Energy and home automation industries are either using his patented technology directly or have taken licenses to this technology, including, but not limited to, GE Appliances, GE Energy, Silver Spring Networks, Inc., Landis+Gyr, Itron, Inc., Eka Systems, Inc., Tendril Networks, Inc., ESCO Technologies Holding, Inc., Comverge Inc., Intermatic, Inc., Cooper US, Inc., Home Automation Inc., Advanced Sensor Technology, Elster Electricity, LLC, Cypress Venture Group, Tantalus Systems Corp., Mesh City Inc., L.S. Research, LLC, and HomeSeer Technologies LLC.

10. Defendants, as provided in more detail below, have made, used, imported, offered for sale, and/or sold and/or continue to make, use, import, offer for sale and/or sell the technology claimed by the '511 Patent, the '492 Patent, the '661 Patent and/or the '767 Patent in systems and methods without SIPCO's permission.

11. Plaintiff SIPCO seeks damages for Defendants' infringement of the '511 Patent, the '492 Patent, the '661 Patent, and/or the '767 Patent.

PARTIES

12. Plaintiff SIPCO is a Georgia limited liability corporation. SIPCO's principal places of business are in Atlanta, Georgia and McKinney, Texas.

13. Upon information and belief, Defendant Comcast Corp. is a Pennsylvania corporation with a principal place of business at 1701 John F. Kennedy Blvd. Philadelphia, PA 19103-2838

14. Upon information and belief, Defendant Comcast Security is a Delaware corporation with a principal place of business at 1701 John F. Kennedy Blvd. Philadelphia, PA 19103-2838.

JURISDICTION AND VENUE

15. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §101 *et seq.*

16. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331 and 1338(a).

17. This Court has personal jurisdiction over Comcast Corp. Comcast Corp. regularly conducts business in the State of Florida and is subject to the jurisdiction of this Court. Comcast Corp. has been and is doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the Patents-in-Suit, in this judicial district and elsewhere in the United States. Comcast Corp. can be served with process through its registered agent, CT Corporation System, 116 Pine Street, Suite 320, Harrisburg, PA 17101.

18. This Court has personal jurisdiction over Comcast Security. Comcast Security regularly conducts business in the State of Florida and is subject to the jurisdiction of this Court. Comcast Security has been and is doing business in this judicial district by manufacturing, distributing, marketing, using, selling and/or offering for sale its products including, but not limited to, products that practice the subject matter claimed in the Patents-in-Suit, in this judicial district and elsewhere in the United States. Comcast Security can be served with process through its registered agent, C T Corporation System, 1200 South Pine Island Road, Plantation, FL 33324. Defendants Comcast Corp. and Comcast Security will hereinafter be referred to herein collectively as "Comcast."

19. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b). Comcast has done business in this District, committed acts of infringement in this District, and continues to commit acts of infringement in this District, all of which entitle SIPCO to relief.

COUNT I - INFRINGEMENT OF THE '511 PATENT

20. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 19 of this Complaint and incorporates them by reference.

21. Defendant Comcast has infringed and continues to infringe one or more claims of the '511 Patent, directly, contributorily, and/or by inducement, by making, using, selling, and/or offering for sale in this country, and/or importing into this country, and inducing others to use, without license, certain products that consist of and/or incorporate infringing wireless network systems, including without limitation those found in Comcast's Xfinity Home Security product line, in violation of 35 U.S.C. §271.

22. Comcast directly contributes and induces infringement through supplying and/or installing infringing systems and components to Comcast's customers. Comcast's customers who purchase systems and components thereof and operate such systems and components thereof in accordance with Comcast's instructions and/or as installed by Comcast directly infringe one or more claims of the '511 Patent in violation of 35 U.S.C. §271.

23. The acts of infringement of the '511 Patent by Comcast have caused damage to SIPCO and SIPCO is entitled to recover from Comcast the damages sustained by SIPCO as a result of Comcast's wrongful acts in an amount subject to proof at trial. The infringement of SIPCO's exclusive rights under the '511 Patent by Comcast will continue to damage SIPCO, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

24. Comcast has had actual or constructive knowledge of the '511 Patent, yet continues to infringe said patent. The infringement of the '511 Patent by Comcast is willful and deliberate, entitling SIPCO to increased damages under 35 U.S.C. §284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. §285.

COUNT II - INFRINGEMENT OF THE '492 PATENT

25. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 24 of this Complaint and incorporates them by reference.

26. Defendant Comcast has infringed and continues to infringe one or more claims of the '492 Patent, directly, contributorily, and/or by inducement, by making, using, selling, and/or offering for sale in this country, and/or importing into this country, and inducing others to use, without license, certain products that consist of and/or incorporate infringing wireless network systems, including without limitation those found in Comcast's Xfinity Home Security product line, in violation of 35 U.S.C. §271.

27. Comcast directly contributes and induces infringement through supplying and/or installing infringing systems and components to Comcast's customers. Comcast's customers who purchase systems and components thereof and operate such systems and components thereof in accordance with Comcast's instructions and/or as installed by Comcast directly infringe one or more claims of the '492 Patent in violation of 35 U.S.C. §271

28. The acts of infringement of the '511 Patent by Comcast have caused damage to SIPCO and SIPCO is entitled to recover from Comcast the damages sustained by SIPCO as a result of Comcast's wrongful acts in an amount subject to proof at trial. The infringement of SIPCO's exclusive rights under the '492 Patent by Comcast will continue to damage SIPCO, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

29. Comcast has had actual or constructive knowledge of the '492 Patent, yet continues to infringe said patent. The infringement of the '492 Patent by Comcast is willful and deliberate, entitling SIPCO to increased damages under 35 U.S.C. §284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. §285.

COUNT III - INFRINGEMENT OF THE '661 PATENT

30. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 29 of this Complaint and incorporates them by reference.

31. Defendant Comcast has infringed and continues to infringe one or more claims of the '661 Patent, directly, contributorily, and/or by inducement, by making, using, selling, and/or offering for sale in this country, and/or importing into this country, and inducing others to use, without license, certain products that consist of and/or incorporate infringing wireless network systems, including without limitation those found in Comcast's Xfinity Home Security product line, in violation of 35 U.S.C. §271.

32. Comcast directly contributes and induces infringement through supplying and/or installing infringing systems and components to Comcast's customers. Comcast's customers who purchase systems and components thereof and operate such systems and components thereof in accordance with Comcast's instructions and/or as installed by Comcast directly infringe one or more claims of the '661 Patent in violation of 35 U.S.C. §271.

33. The acts of infringement of the '661 Patent by Comcast have caused damage to SIPCO and SIPCO is entitled to recover from Comcast the damages sustained by SIPCO as a result of Comcast's wrongful acts in an amount subject to proof at trial. The infringement of SIPCO's exclusive rights under the '661 Patent by Comcast will continue to damage SIPCO, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

34. Comcast has had actual or constructive knowledge of the '661 Patent, yet continues to infringe said patent. The infringement of the '661 Patent by Comcast is willful and deliberate, entitling SIPCO to increased damages under 35 U.S.C. §284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. §285.

COUNT IV - INFRINGEMENT OF THE '767 PATENT

35. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 34 of this Complaint and incorporates them by reference.

36. Defendant Comcast has infringed and continues to infringe one or more claims of the '767 Patent, directly, contributorily, and/or by inducement, by making, using, selling, and/or offering for sale in this country, and/or importing into this country, and inducing others to use, without license, certain products that consist of and/or incorporate infringing wireless network systems, including without limitation those found in Comcast's Xfinity Home Security product line, in violation of 35 U.S.C. §271.

37. Comcast directly contributes and induces infringement through supplying and/or installing infringing systems and components to Comcast's customers. Comcast's customers who purchase systems and components thereof and operate such systems and components thereof in accordance with Comcast's instructions and/or as installed by Comcast directly infringe one or more claims of the '767 Patent in violation of 35 U.S.C. §271.

38. The acts of infringement of the '767 Patent by Comcast have caused damage to SIPCO and SIPCO is entitled to recover from Comcast the damages sustained by SIPCO as a result of Comcast's wrongful acts in an amount subject to proof at trial. The infringement of SIPCO's exclusive rights under the '767 Patent by Comcast will continue to damage SIPCO, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

39. Comcast has had actual or constructive knowledge of the '767 Patent, yet continues to infringe said patent. The infringement of the '767 Patent by Comcast is willful and deliberate, entitling SIPCO to increased damages under 35 U.S.C. §284 and to attorney's fees and costs incurred in prosecuting this action under 35 U.S.C. §285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief against Comcast:

A. A judgment that Comcast has directly infringed the '511 Patent, contributorily infringed the '511 Patent, and/or induced infringement of the '511 Patent;

B. A judgment that Comcast has directly infringed the '492 Patent, contributorily infringed the '492 Patent, and/or induced infringement of the '492 Patent;

C. A judgment that Comcast has directly infringed the '661 Patent, contributorily infringed the '661 Patent, and/or induced infringement of the '661 Patent;

D. A judgment that Comcast has directly infringed the '767 Patent, contributorily infringed the '767 Patent, and/or induced infringement of the '767 Patent;

E. An award of all damages recoverable under the laws of the United States and the laws of the State of Florida in an amount to be proven at trial;

F. An award of treble damages against Comcast as a result of its willful infringement;

G. A preliminary, and thereafter permanent, injunction enjoining and restraining Comcast and its officers, directors, agents, servants, employees, attorneys, and all others acting under, by or through it, from directly infringing, contributorily infringing, and inducing the infringement of the '511 Patent, as set forth herein;

H. A preliminary, and thereafter permanent, injunction enjoining and restraining Comcast and its officers, directors, agents, servants, employees, attorneys, and all others acting under, by or through it, from directly infringing, contributorily infringing, and inducing the infringement of the '492 Patent, as set forth herein;

I. A preliminary, and thereafter permanent, injunction enjoining and restraining Comcast and its officers, directors, agents, servants, employees, attorneys, and all others acting under, by or through it, from directly infringing, contributorily infringing, and inducing the infringement of the '661 Patent, as set forth herein;

J. A preliminary, and thereafter permanent, injunction enjoining and restraining Comcast and its officers, directors, agents, servants, employees, attorneys, and all others acting

under, by or through it, from directly infringing, contributorily infringing, and inducing the infringement of the '767 Patent, as set forth herein;

K. A judgment and order requiring Comcast to pay Plaintiff's pre-judgment and post-judgment interest on the full amounts of the damages awarded;

L. A judgment requiring Comcast to pay the costs of this action (including all disbursements) and attorneys' fees as provided by 35 U.S.C. §285, with prejudgment interest; and

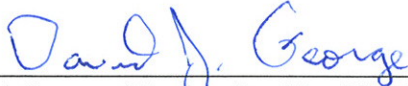
M. Such other and further relief as this Court may deem just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands that all issues so triable be determined by a jury.

Dated: September 6, 2011

Respectfully submitted,

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