

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

SIPCO, LLC,)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	
v.)	
)	
ADT SECURITY SERVICES,)	
INC.,)	
)	
Defendant.)	NO. _____
)	
_____)	<u>JURY TRIAL DEMANDED</u>

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff SIPCO, LLC (“SIPCO”) hereby makes this Complaint for patent infringement against Defendant ADT SECURITY SERVICES, INC. (“ADT”) 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, ADT is willfully infringing a number of SIPCO’s patents.

2. U.S. Patent No. 6,437,692 (the “‘692 Patent”), entitled “System and Method For Monitoring And Controlling Remote Devices,” was duly and legally issued on August 20, 2002 by the U.S. Patent and Trademark Office to StatSignal Systems, Inc., the assignee of the named inventors Thomas D. Petite and Richard M. Huff. A copy of the ‘692 Patent is attached hereto as Exhibit A.

3. 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 B.

4. 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 C.

5. U.S. Patent No. 6,914,893 (the “‘893 Patent”), entitled “Systems and Methods For Monitoring And Controlling Remote Devices,” was duly and legally issued on July 5, 2005 by the U.S. Patent and Trademark Office to StatSignal IPC, LLC, the assignee of the named inventor Thomas David Petite. A copy of the ‘893 Patent is attached hereto as Exhibit D.

6. SIPCO is the sole owner of the entire right, title, and interest in the ‘692 Patent, the ‘511 Patent, the ‘492 Patent, and the ‘893 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 ADT’s 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. ADT, as provided in more detail below, has made, used, imported, offered for sale, and/or sold and/or continues to make, use, import, offer for sale and/or sell the technology claimed by the '692 Patent, the '511 Patent, the '492 Patent and/or the '893 Patent in systems and methods without SIPCO's permission.

11. Plaintiff SIPCO seeks damages for ADT's infringement of the '692 Patent, the '511 Patent, the '492 Patent, and/or the '893 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 ADT is a Delaware corporation with a principal place of business at 1 Town Center Road, Boca Raton, Florida 33486.

JURISDICTION AND VENUE

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

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

16. This Court has personal jurisdiction over ADT. ADT has its principal place of business in the State of Florida, regularly conducts business in the State of Florida and is subject to the jurisdiction of this Court. ADT 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. ADT can be served with process through its registered agent, C T Corporation System, 1200 South Pine Island Road, Plantation, Florida 33324.

17. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b). ADT 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 '692 PATENT

18. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 17 of this Complaint and incorporates them by reference.

19. Defendant ADT has infringed and continues to infringe one or more claims of the '692 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 ADT's Pulse product line, in violation of 35 U.S.C. § 271.

20. ADT directly contributes and induces infringement through supplying and/or installing infringing systems and components to ADT's customers. ADT's customers who purchase systems and components thereof and operate such systems and components thereof in

accordance with ADT's instructions and/or as installed by ADT directly infringe one or more claims of the '692 Patent in violation of 35 U.S.C. § 271.

21. The acts of infringement of the '692 Patent by ADT have caused damage to SIPCO and SIPCO is entitled to recover from ADT the damages sustained by SIPCO as a result of ADT's wrongful acts in an amount subject to proof at trial. The infringement of SIPCO's exclusive rights under the '692 Patent by ADT will continue to damage SIPCO, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

22. ADT has had actual or constructive knowledge of the '692 Patent, yet continues to infringe said patent. The infringement of the '692 Patent by ADT 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 '511 PATENT

23. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 22 of this Complaint and incorporates them by reference.

24. Defendant ADT 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 ADT's Pulse product line, in violation of 35 U.S.C. § 271.

25. ADT directly contributes and induces infringement through supplying and/or installing infringing systems and components to ADT's customers. ADT's customers who purchase systems and components thereof and operate such systems and components thereof in

accordance with ADT's instructions and/or as installed by ADT directly infringe one or more claims of the '511 Patent in violation of 35 U.S.C. § 271

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

27. ADT has had actual or constructive knowledge of the '511 Patent, yet continues to infringe said patent. The infringement of the '511 Patent by ADT 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 '492 PATENT

28. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 27 of this Complaint and incorporates them by reference.

29. Defendant ADT 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 ADT's Pulse product line, in violation of 35 U.S.C. § 271.

30. ADT directly contributes and induces infringement through supplying and/or installing infringing systems and components to ADT's customers. ADT's customers who purchase systems and components thereof and operate such systems and components thereof in

accordance with ADT's instructions and/or as installed by ADT directly infringe one or more claims of the '492 Patent in violation of 35 U.S.C. § 271.

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

32. ADT has had actual or constructive knowledge of the '492 Patent, yet continues to infringe said patent. The infringement of the '492 Patent by ADT 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 '893 PATENT

33. SIPCO restates and realleges the allegations set forth in paragraphs 1 through 32 of this Complaint and incorporates them by reference.

34. Defendant ADT has infringed and continues to infringe one or more claims of the '893 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 ADT's Pulse product line, in violation of 35 U.S.C. § 271.

35. ADT directly contributes and induces infringement through supplying and/or installing infringing systems and components to ADT's customers. ADT's customers who purchase systems and components thereof and operate such systems and components thereof in

accordance with ADT's instructions and/or as installed by ADT directly infringe one or more claims of the '893 Patent in violation of 35 U.S.C. § 271.

36. The acts of infringement of the '893 Patent by ADT have caused damage to SIPCO and SIPCO is entitled to recover from ADT the damages sustained by SIPCO as a result of ADT's wrongful acts in an amount subject to proof at trial. The infringement of SIPCO's exclusive rights under the '893 Patent by ADT will continue to damage SIPCO, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

37. ADT has had actual or constructive knowledge of the '893 Patent, yet continues to infringe said patent. The infringement of the '893 Patent by ADT 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 ADT:

- A. A judgment that ADT has directly infringed the '692 Patent, contributorily infringed the '692 Patent, and/or induced infringement of the '692 Patent;
- B. A judgment that ADT has directly infringed the '511 Patent, contributorily infringed the '511 Patent, and/or induced infringement of the '511 Patent;
- C. A judgment that ADT has directly infringed the '492 Patent, contributorily infringed the '492 Patent, and/or induced infringement of the '492 Patent;
- D. A judgment that ADT has directly infringed the '893 Patent, contributorily infringed the '893 Patent, and/or induced infringement of the '893 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 ADT as a result of its willful infringement;

G. A preliminary, and thereafter permanent, injunction enjoining and restraining ADT 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 '692 Patent, as set forth herein;

H. A preliminary, and thereafter permanent, injunction enjoining and restraining ADT 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;

I. A preliminary, and thereafter permanent, injunction enjoining and restraining ADT 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;

J. A preliminary, and thereafter permanent, injunction enjoining and restraining ADT 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 '893 Patent, as set forth herein;

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

L. A judgment requiring ADT 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: 5/6/2011

Respectfully submitted,

By:


David George (Florida Bar No. 898570)
Robert Robbins (Florida Bar No. 572233)
Robbins Geller Rudman & Dowd, LLP
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
(561) 750-3000 (telephone)
(561) 750-3364 (facsimile)
dgeorge@rgrdlaw.com
rrobbins@rgrdlaw.com

John C. Herman
Ryan K. Walsh
Jason Jackson
Jessica M. Kattula
Robbins Geller Rudman & Dowd, LLP
3424 Peachtree Street, N.E.
Suite 1650
Atlanta, Georgia 30326
(404) 504-6500 (telephone)
(404) 504-6501 (facsimile)
jherman@rgrdlaw.com
rwalsh@rgrdlaw.com
jjackson@rgrdlaw.com
jkattula@rgrdlaw.com

Regis C. Worley
Cody R. LeJeune
Robbins Geller Rudman & Dowd, LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058 (telephone)
(619) 231-7423 (facsimile)
rworley@rgrdlaw.com
clejeune@rgrdlaw.com

Attorneys for Plaintiff
SIPCO, LLC