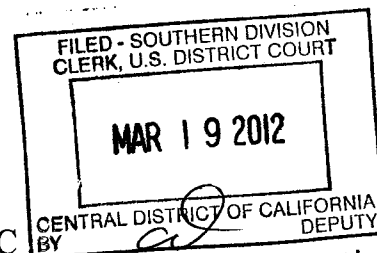


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20 UNITED STATES DISTRICT COURT
21 FOR THE CENTRAL DISTRICT OF CALIFORNIA
22 LOS ANGELES DIVISION

23 JOAO CONTROL & MONITORING
24 SYSTEMS, LLC

Case No. 11-cv-08257-DOC-RNB
Fax file

**SECOND AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT**

25 Plaintiff,

26 v.

Jury Trial Demanded

27 AHAVA INCORPORATED, GSMC,
28 INC., DIGITAL PLAYGROUND, INC.,

Defendants.

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PLAINTIFF’S SECOND AMENDED COMPLAINT

Plaintiff Joao Control & Monitoring Systems, LLC (“Plaintiff”), by and through its undersigned counsel, files this Second Amended Complaint against Ahava Incorporated (“Ahava”), GSMC, Inc. (“GSMC”), and Digital Playground, Inc. (“Digital”) (collectively, “Defendants”) as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendants’ infringement of Plaintiff’s United States Patent No. 6,587,046 entitled “*Monitoring Apparatus and Method*” (the “’046 patent”; a copy of which is attached hereto as Exhibit A) and United States Patent No. 7,277,010 entitled “*Monitoring Apparatus and Method*” (the “’010 patent”; a copy of which is attached hereto as Exhibit B) (collectively, “the patents-in-suit”). Plaintiff is the owner of the ’046 patent and the ’010 patent. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. Plaintiff is a limited liability company organized and existing under the laws of the state of Delaware. Plaintiff maintains its principal place of business at 122 Bellevue Place, Yonkers, New York 10703. Plaintiff is the owner of the patents-in-suit and possesses the right to sue for infringement and recover past damages.

3. Upon information and belief, Defendant Ahava is a company organized under the laws of the state of Delaware, and maintains its principal place of business at 1209 Orange Street, Wilmington, Delaware 19801.

4. Upon information and belief, Defendant GSMC is a company organized under the laws of the state of Nevada, and maintains in its public filings that its principal place of business at 4270 Cameron St., Suite 6, Las Vegas, Nevada 89103.

1 5. Upon information and belief, Defendant Digital is a company
2 organized under the laws of the state of California, and maintains its principal place
3 of business at 21115 Devonshire St., #304, Chatsworth, CA 91311.

4 **JURISDICTION AND VENUE**

5 6. This action arises under the Patent Laws of the United States, 35
6 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court
7 has subject matter jurisdiction over this case for patent infringement under 28
8 U.S.C. §§ 1331 and 1338(a).

9 7. The Court has personal jurisdiction over each Defendants because:
10 Defendants is present within or has minimum contacts with the State of California
11 and the Central District of California; Defendants has purposefully availed itself of
12 the privileges of conducting business in the State of California and in the Central
13 District of California; Defendants has sought protection and benefit from the laws
14 of the State of California; Defendants regularly conducts business within the State
15 of California and within the Central District of California; and Plaintiff's causes of
16 action arise directly from Defendants' business contacts and other activities in the
17 State of California and in the Central District of California.

18 8. More specifically, Defendants, directly and/or through authorized
19 intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including
20 the provision of an interactive web page) its products and services in the United
21 States, the State of California, and the Central District of California. Upon
22 information and belief, Defendants has committed patent infringement in the State
23 of California and in the Central District of California. Defendants solicit customers
24 in the State of California and in the Central District of California. Defendants has
25 many paying customers who are residents of the State of California and the Central
26 District of California and who each use Defendants' products and services in the
27 State of California and in the Central District of California.

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1 9. Venue is proper in the Central District of California pursuant to 28
2 U.S.C. §§ 1391 and 1400(b).

3 **COUNT I – PATENT INFRINGEMENT**

4 10. The '010 patent was duly and legally issued by the United States
5 Patent and Trademark Office on October 2, 2007, after full and fair examination for
6 systems and methods for premises video monitoring. Plaintiff is the owner of the
7 '010 patent and possesses all substantive rights and rights of recovery under the
8 '010 patent, including the right to sue for infringement and recover past damages.

9 11. The '046 patent was duly and legally issued by the United States
10 Patent and Trademark Office on July 1, 2003, after full and fair examination for
11 systems and methods for premises video monitoring. Plaintiff is the owner of the
12 '046 patent and possesses all substantive rights and rights of recovery under the
13 '046 patent, including the right to sue for infringement and recover past damages.

14 12. Ahava has infringed and continues to infringe one or more claims of
15 the patents-in-suit, by making, using, providing, offering to sell, and selling directly
16 or through intermediaries, in this district and elsewhere in the United States,
17 systems and methods for receiving and monitoring video information by a video
18 recording device or camera, including websites such as www.webcams.com in a
19 manner claimed in both the '010 patent and the '046 patent.

20 13. GSMC has infringed and continues to infringe one or more claims of
21 the patents-in-suit, by making, using, providing, offering to sell, and selling directly
22 or through intermediaries, in this district and elsewhere in the United States,
23 systems and methods for receiving and monitoring video information by a video
24 recording device or camera, including websites such as www.globalsexmall.com in
25 a manner claimed in both the '010 patent and the '046 patent.

26 14. Digital has infringed and continues to infringe one or more claims of
27 the patents-in-suit, by making, using, providing, offering to sell, and selling directly
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1 or through intermediaries, in this district and elsewhere in the United States,
2 systems and methods for receiving and monitoring video information by a video
3 recording device or camera, including websites such as www.jessejane.com in a
4 manner claimed in both the '010 patent and the '046 patent.

5 15. Defendants' aforesaid activities have been without authority and/or
6 license from Plaintiff.

7 16. Plaintiff is entitled to recover from the Defendants the damages
8 sustained by Plaintiff as a result of the Defendants' wrongful acts in an amount
9 subject to proof at trial, which, by law, cannot be less than a reasonable royalty,
10 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

11 17. Defendants' infringement of Plaintiff's exclusive rights under the '010
12 patent and/or the '046 patent will continue to damage Plaintiff, causing irreparable
13 harm for which there is no adequate remedy at law, unless enjoined by this Court.

14 **JURY DEMAND**

15 18. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the
16 Federal Rules of Civil Procedure.

17 **PRAYER FOR RELIEF**

18 Plaintiff respectfully requests that the Court find in its favor and against
19 Defendants, and that the Court grant Plaintiff the following relief:

- 20 A. An adjudication that one or more claims of the '010 patent have been
21 infringed, either literally and/or under the doctrine of equivalents, by
22 Defendants;
- 23 B. An adjudication that one or more claims of the '046 patent have been
24 infringed, either literally and/or under the doctrine of equivalents, by
25 each of the Defendants;
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- C. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendants' acts of infringement together with pre-judgment and post-judgment interest;
- D. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendants from further acts of infringement with respect to the claims of the '010 patent and the '046 patent;
- E. Any further relief that this Court deems just and proper.

Respectfully submitted,
WHITE FIELD, INC.



Dated: February 20, 2012

Steven W. Ritcheson,
Attorney for Plaintiff
JOAO CONTROL & MONITORING
SYSTEMS, LLC

Exhibit A



(12) **United States Patent**
Joao

(10) **Patent No.:** **US 6,587,046 B2**
(45) **Date of Patent:** **Jul. 1, 2003**

(54) **MONITORING APPARATUS AND METHOD**

(76) **Inventor:** **Raymond Anthony Joao**, 122 Bellevue Pl., Yonkers, NY (US) 10703

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) **Appl. No.:** **10/283,644**

(22) **Filed:** **Oct. 30, 2002**

(65) **Prior Publication Data**

US 2003/0071899 A1 Apr. 17, 2003

Related U.S. Application Data

(63) Continuation-in-part of application No. 09/551,365, filed on Apr. 17, 2000, which is a continuation-in-part of application No. 09/277,935, filed on Mar. 29, 1999, which is a continuation of application No. 08/683,828, filed on Jul. 18, 1996, now Pat. No. 5,917,405, which is a continuation-in-part of application No. 08/622,749, filed on Mar. 27, 1996, now abandoned, which is a continuation of application No. 10/263,554, filed on Oct. 3, 2002, which is a continuation-in-part of application No. 10/244,334, filed on Sep. 16, 2002.

(60) Provisional application No. 60/187,735, filed on Mar. 8, 2000, and provisional application No. 60/190,379, filed on Mar. 17, 2000.

(51) **Int. Cl.⁷** **G08B 1/08**
(52) **U.S. Cl.** **340/539.14; 340/539.25**
(58) **Field of Search** **340/539.1, 539.11, 340/539.13, 539.14, 539.16, 539.17, 539.25; 395/200.34, 200.36, 200.57**

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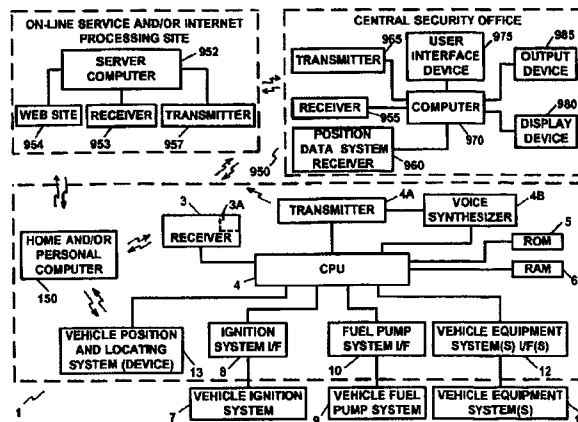
Primary Examiner—Van Trieu

(74) *Attorney, Agent, or Firm*—Raymond A. Joao, Esq.

(57) **ABSTRACT**

A monitoring apparatus and method including a processing device for receiving video information recorded by a video recording device or a camera, wherein the video recording device or a camera is located at a vehicle or a premises and the processing device is located at a location remote from the vehicle or premises. The processing device receives a signal transmitted from a communication device located at a location remote from the processing device and remote from the vehicle or premises. The video information is transmitted from the processing device to the communication device in response the signal. The video information is transmitted to the communication device on or over at least one of the Internet and the World Wide Web.

112 Claims, 20 Drawing Sheets



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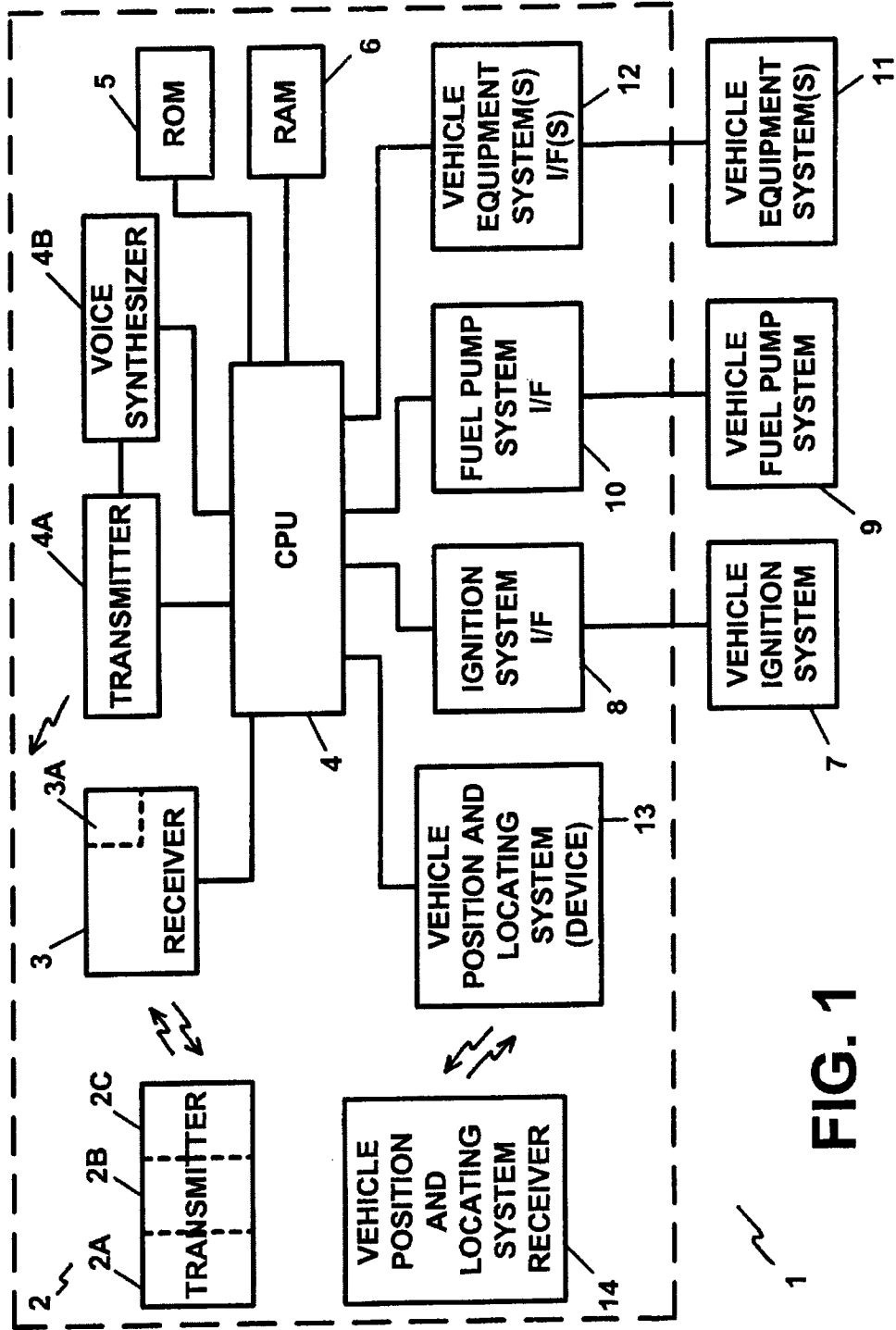


FIG. 1

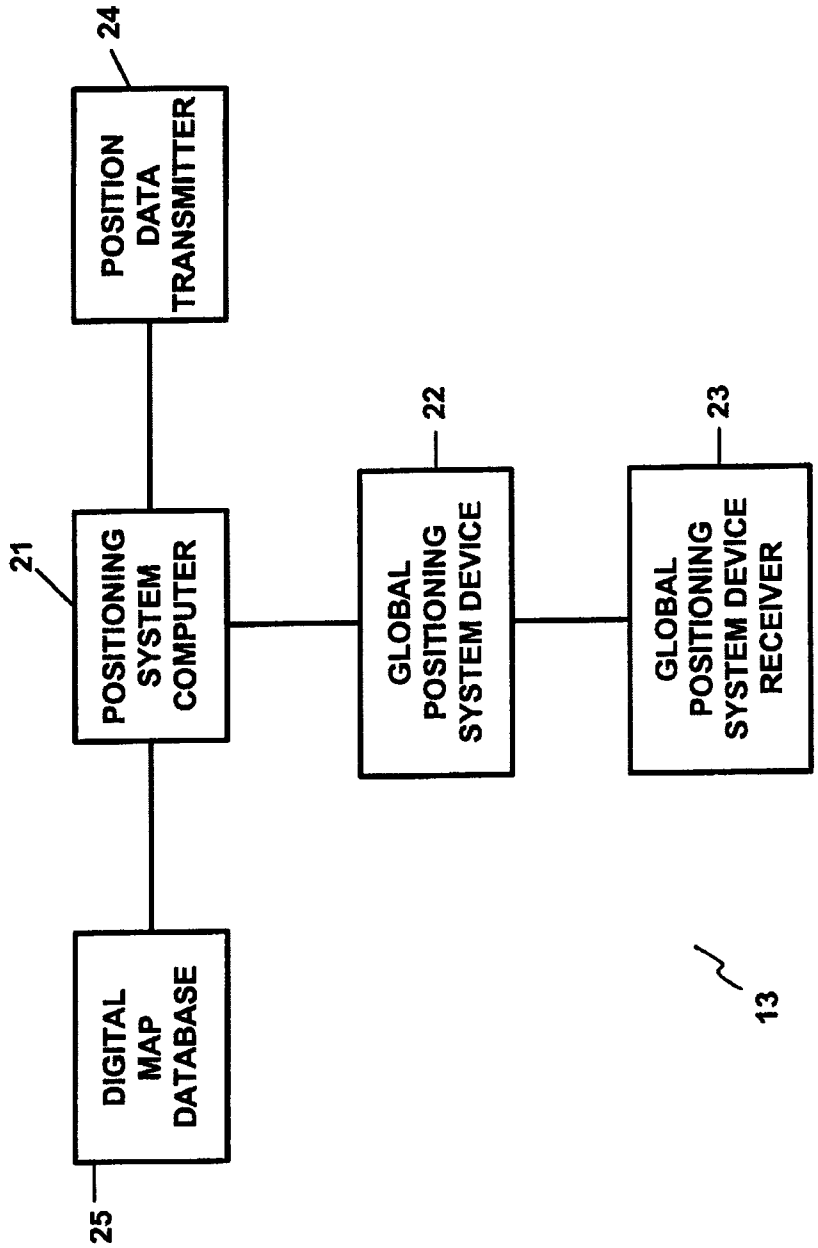


FIG. 2

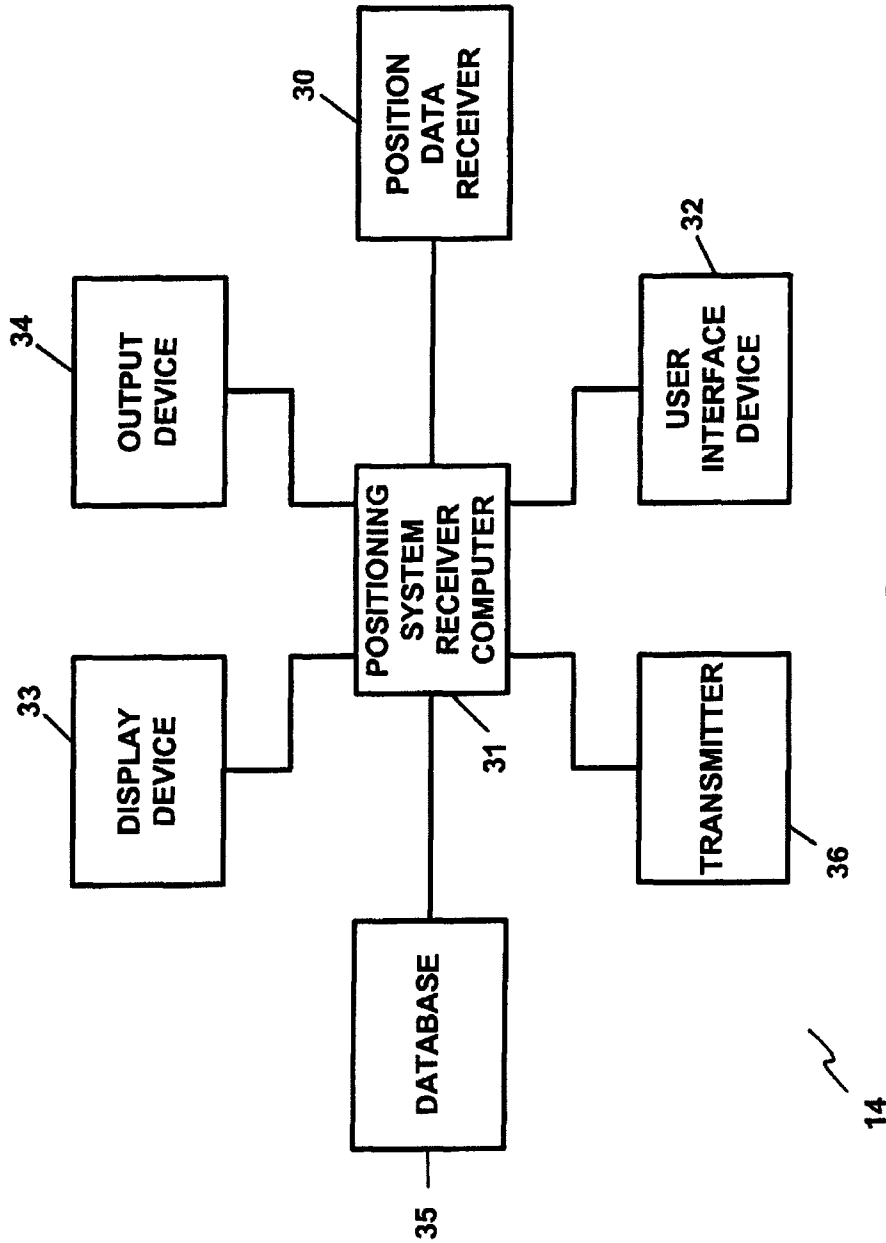


FIG. 3

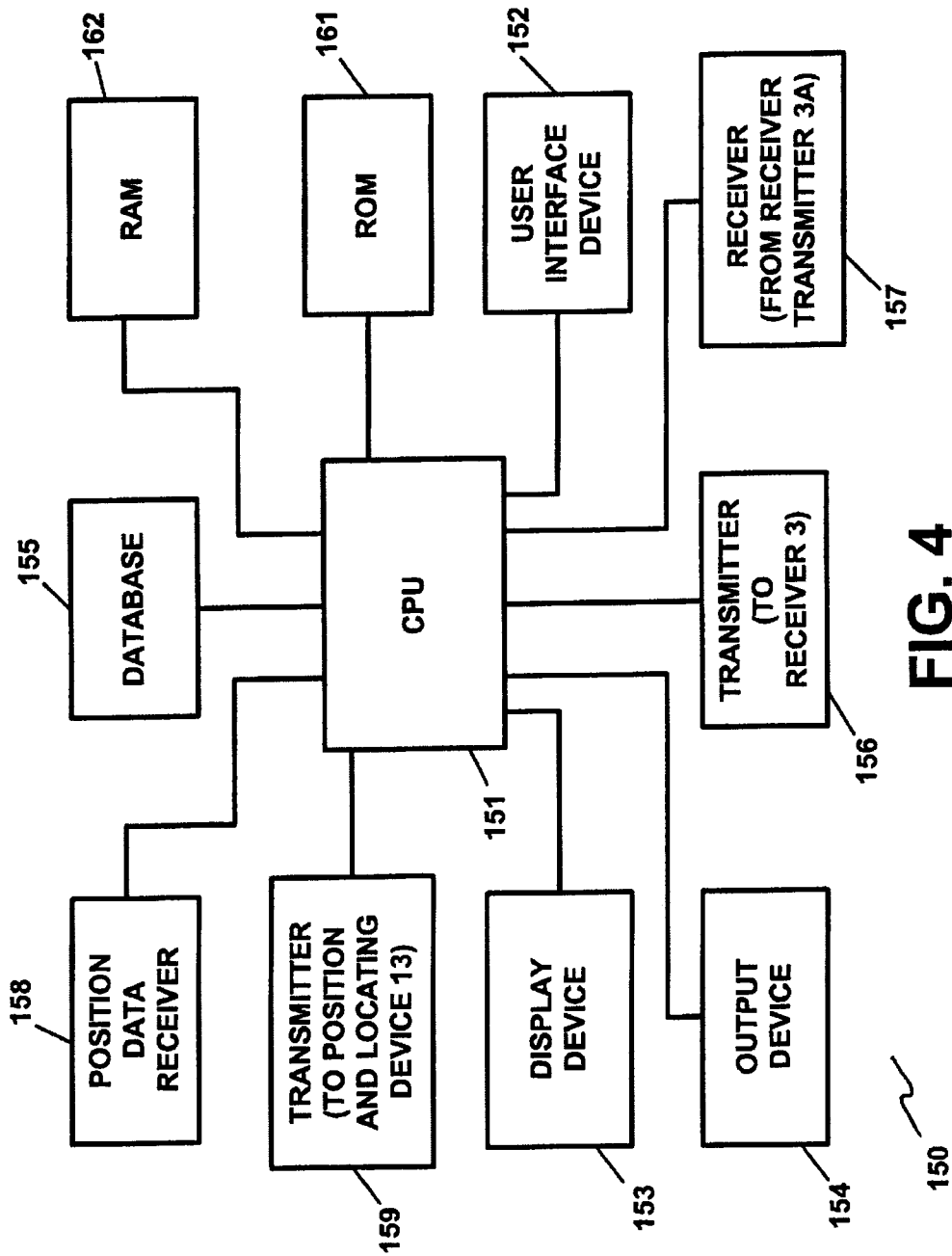


FIG. 4

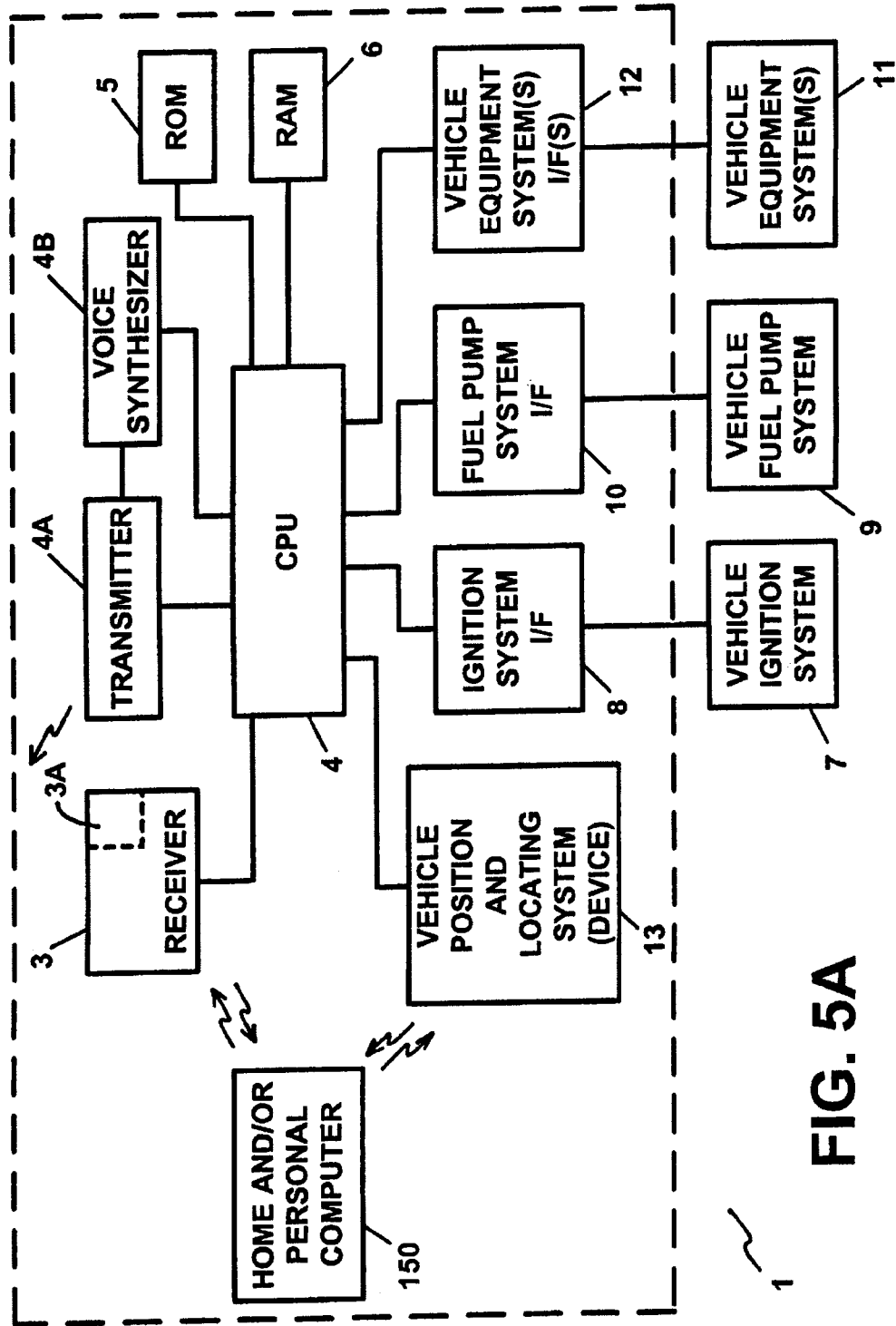


FIG. 5A

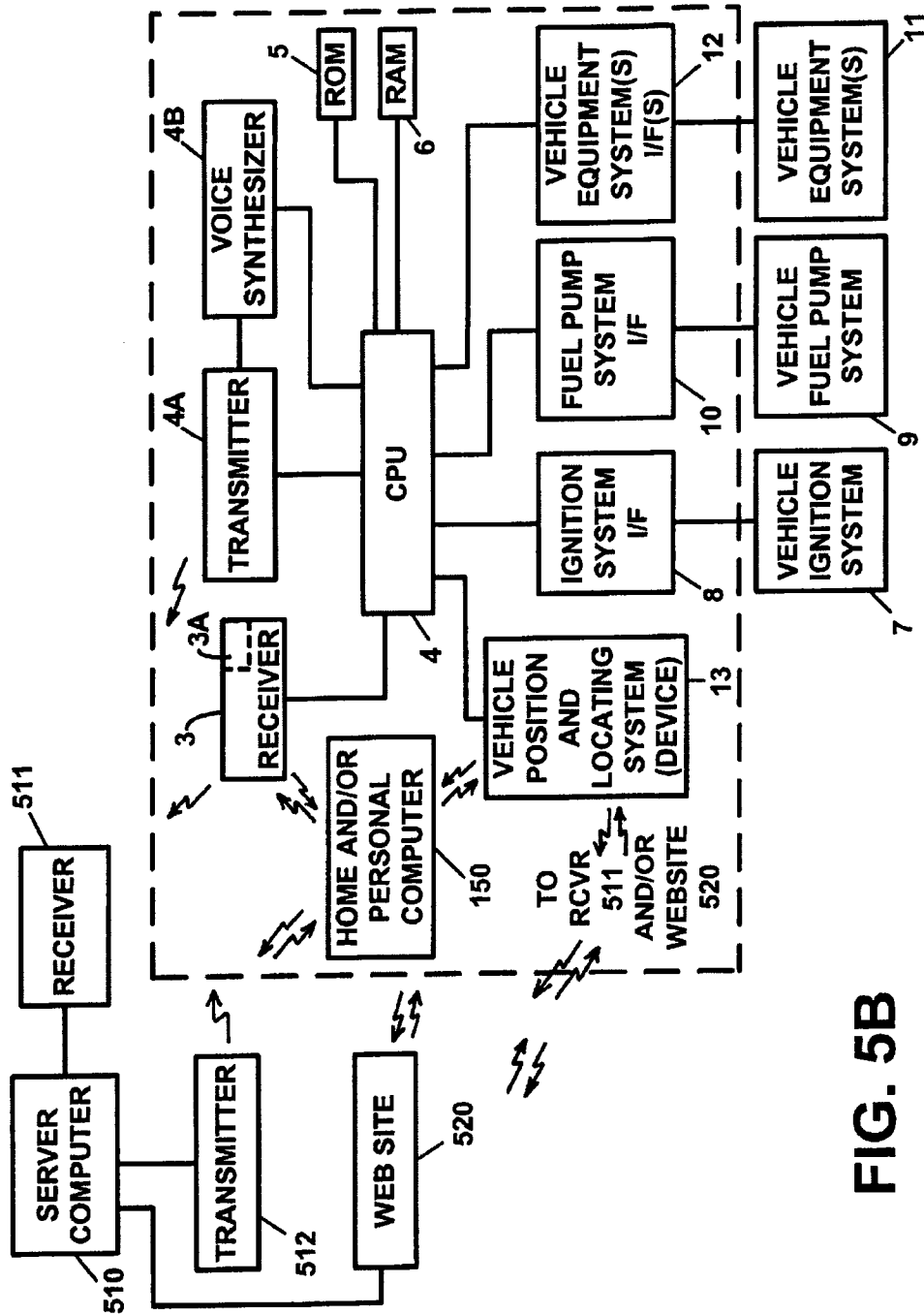


FIG. 5B

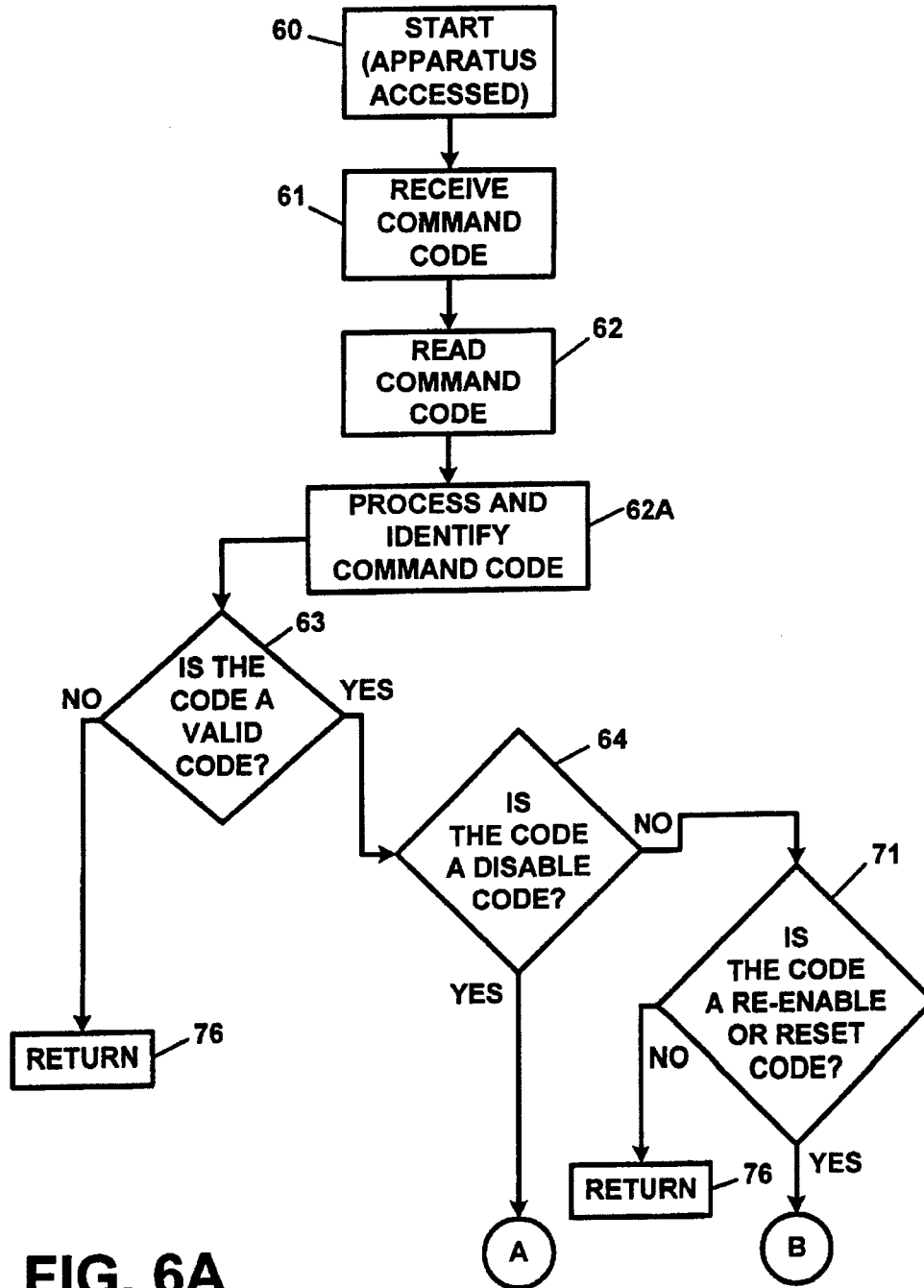


FIG. 6A

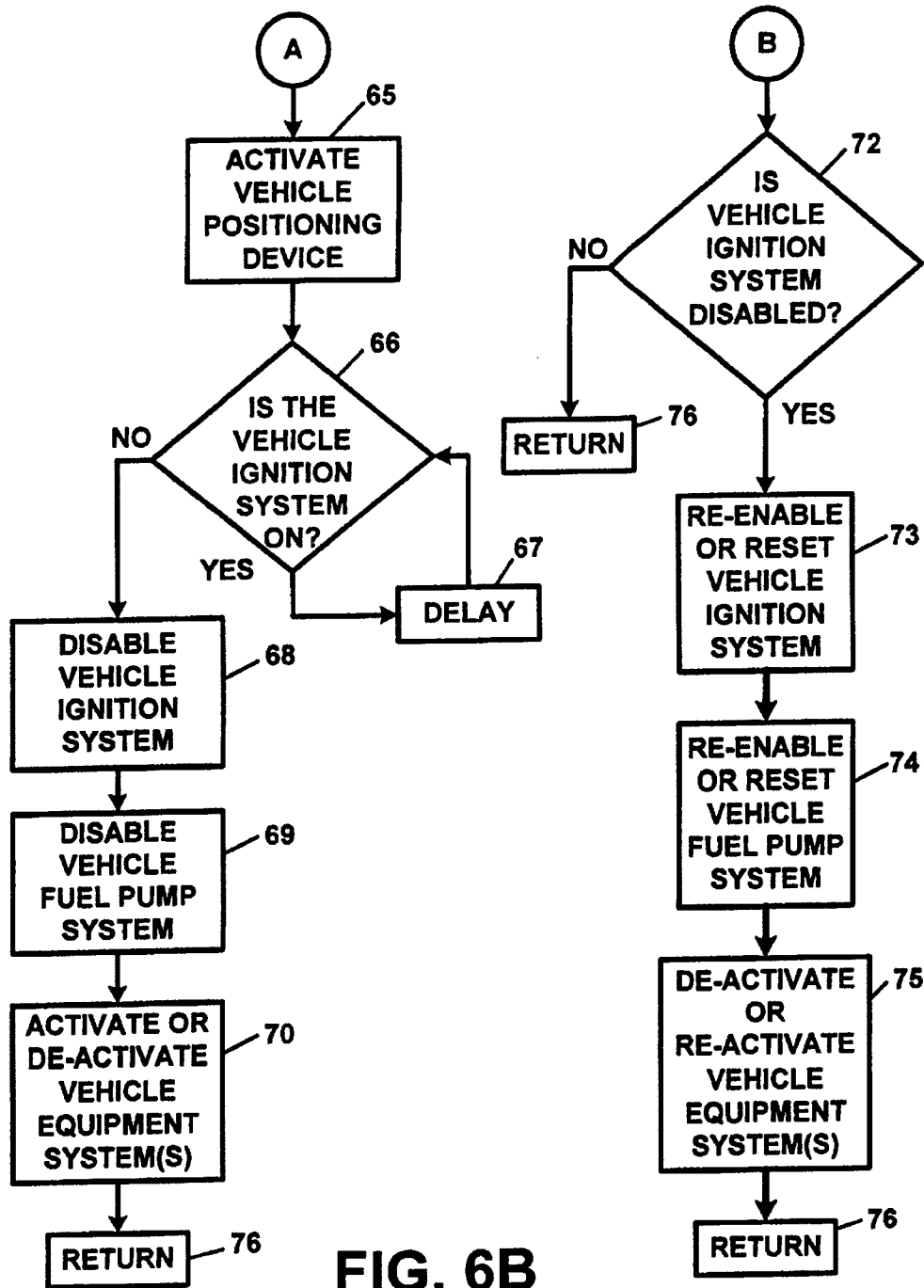


FIG. 6B

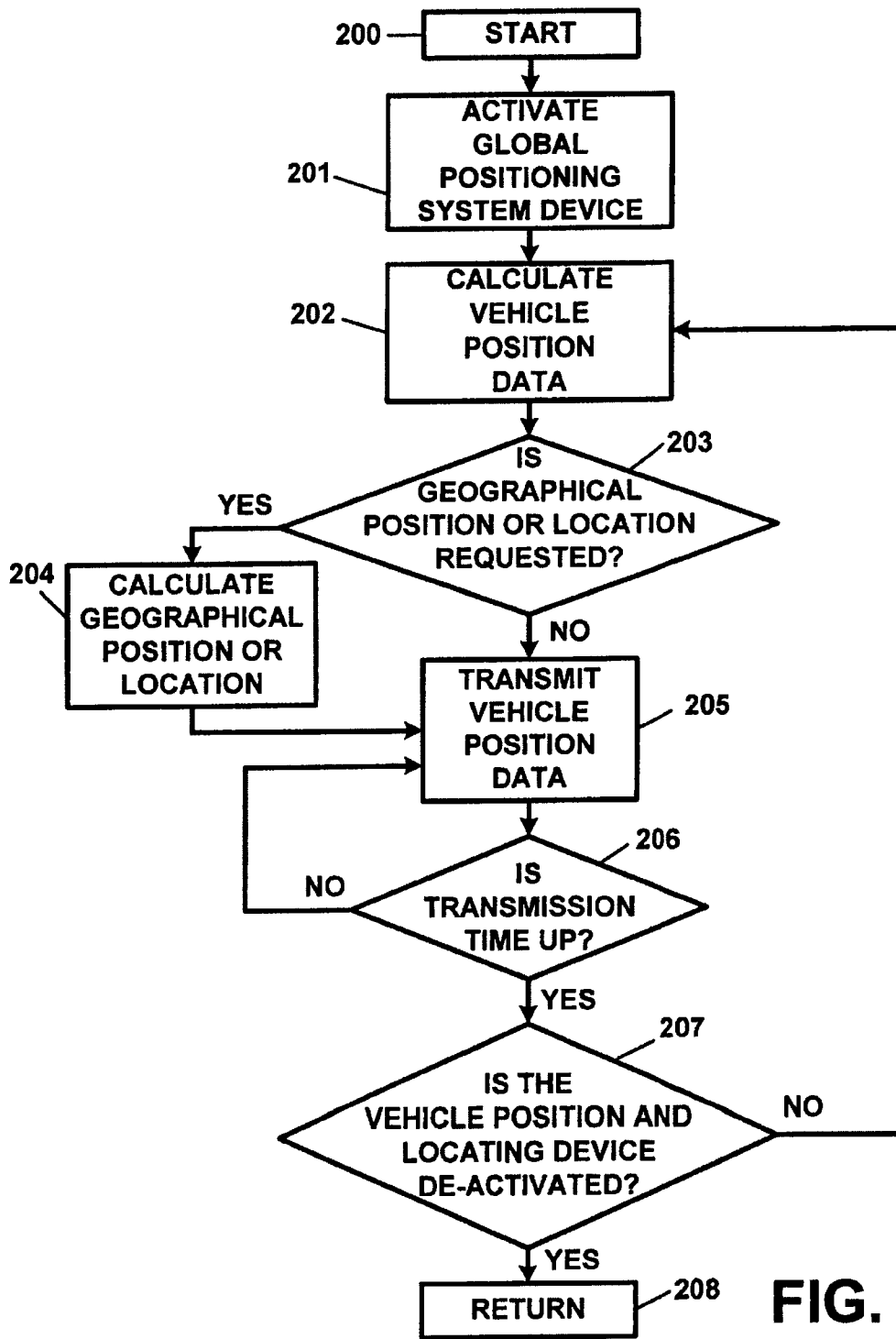


FIG. 7

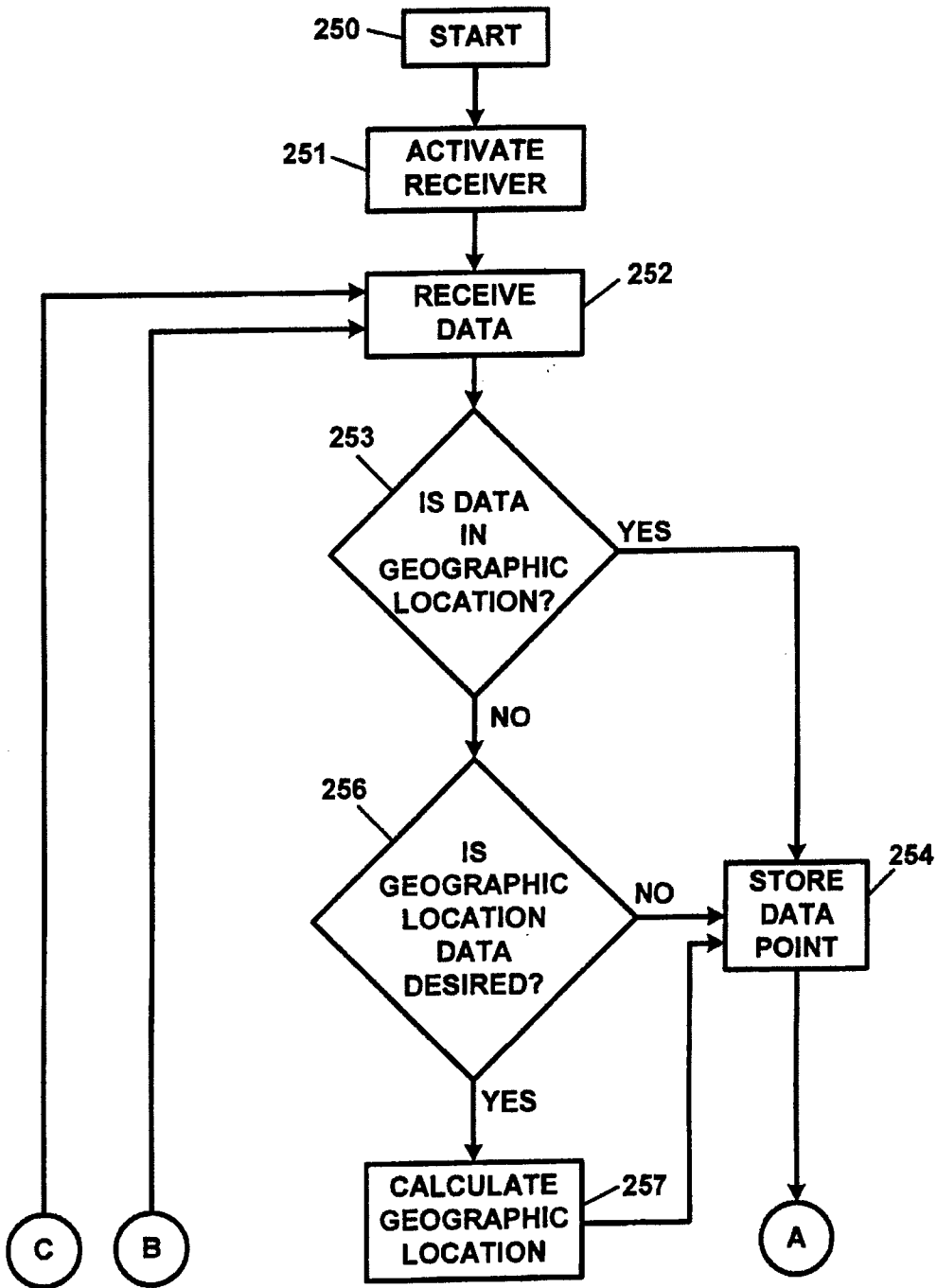


FIG. 8A

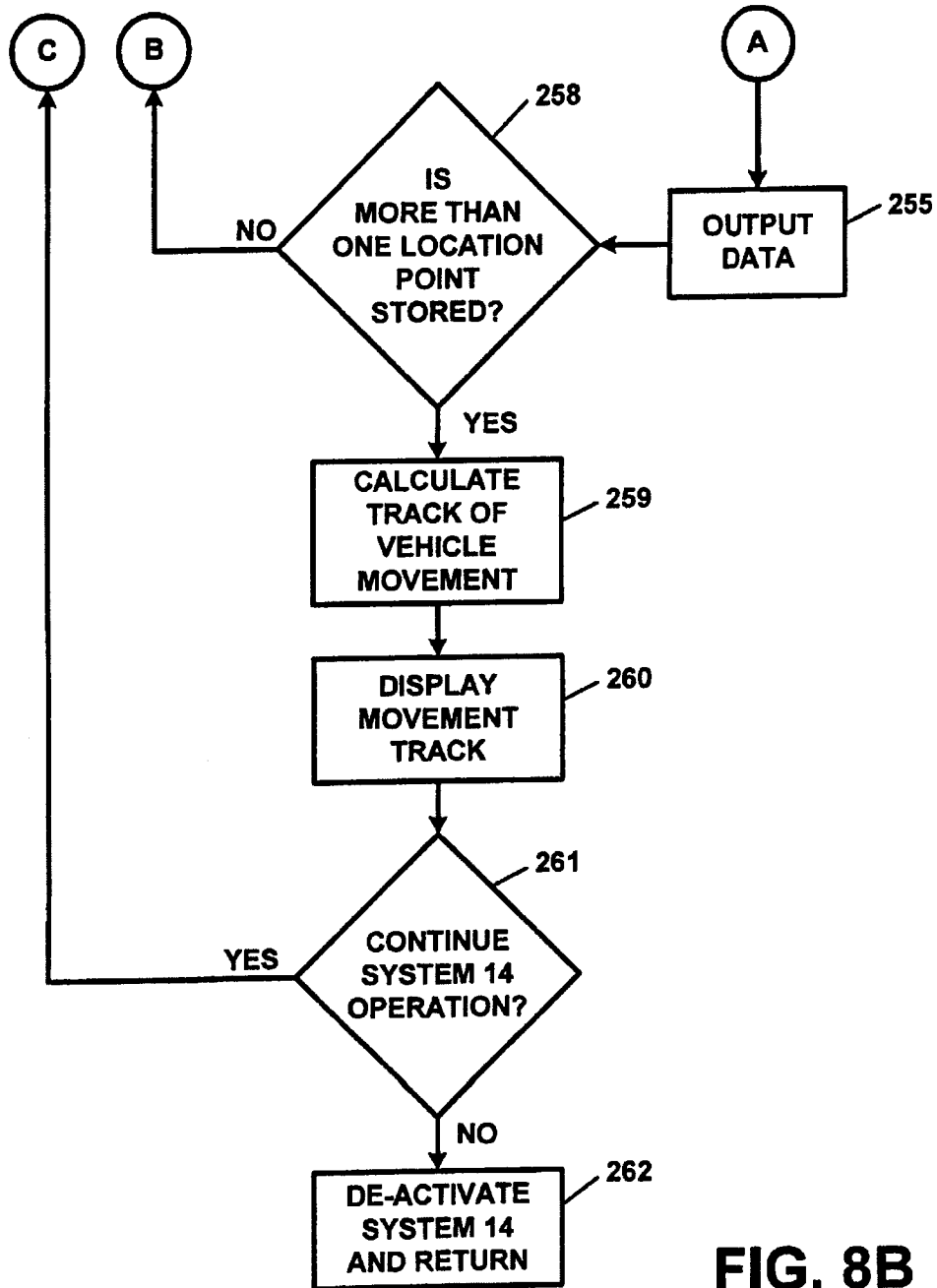


FIG. 8B

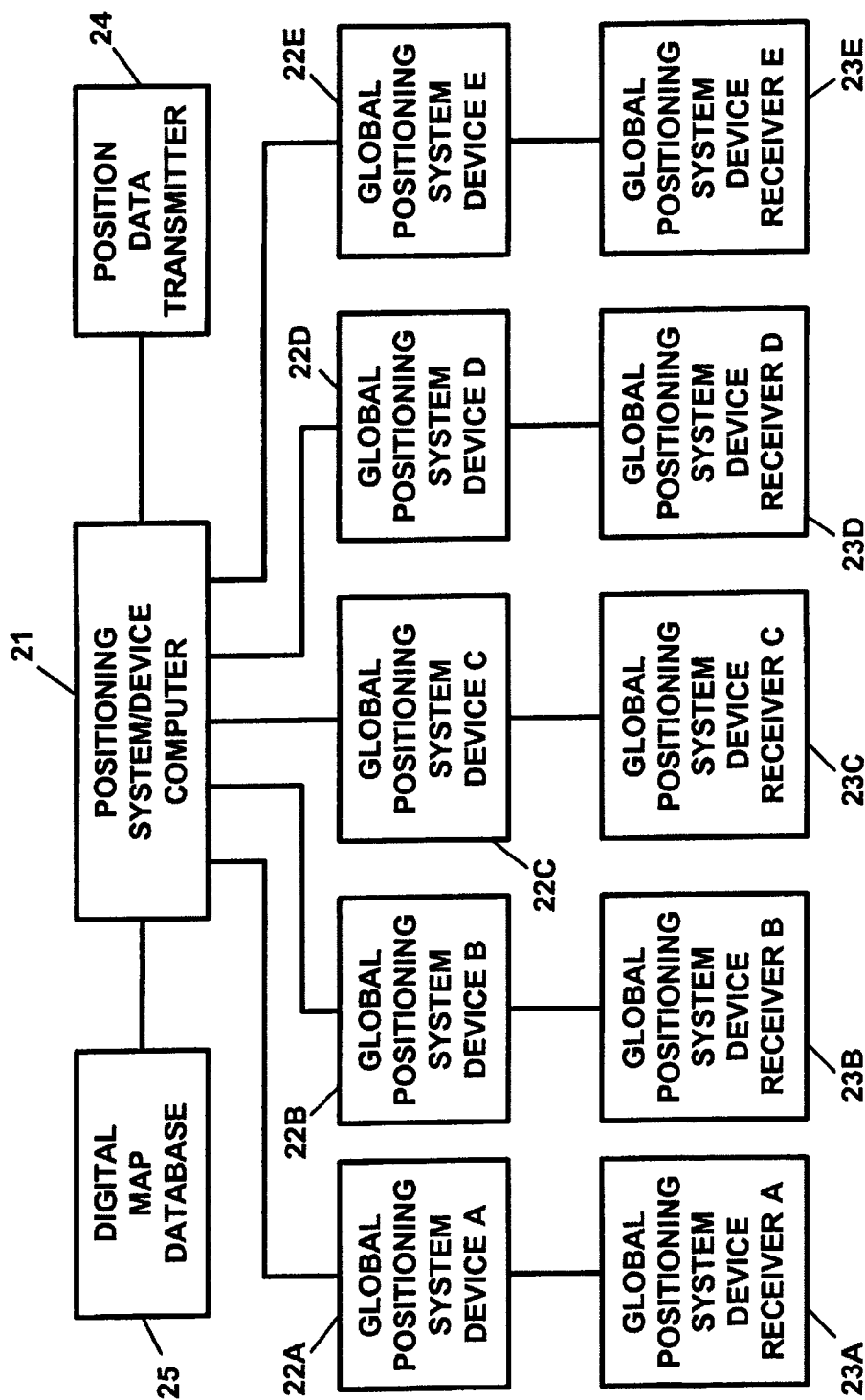
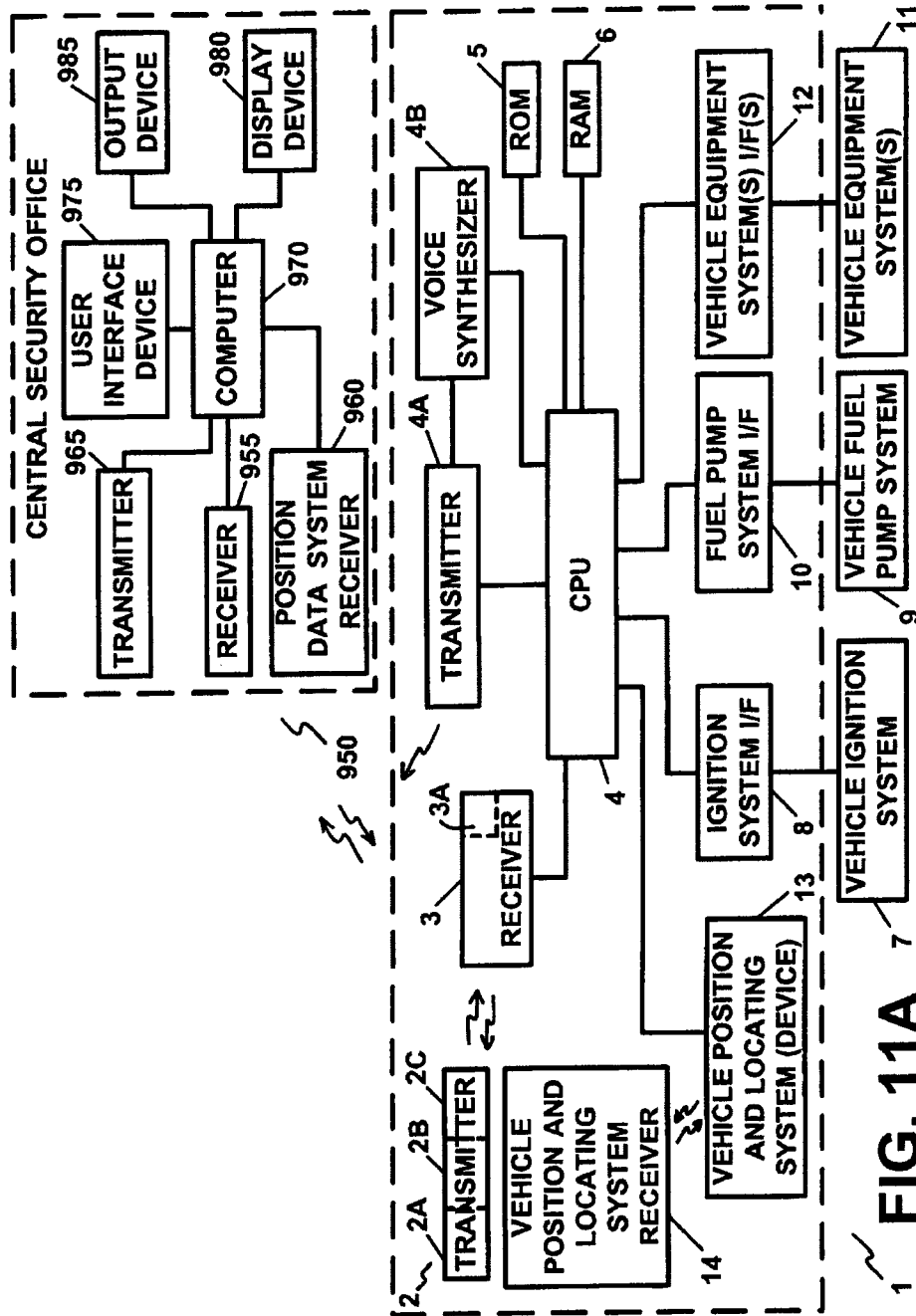


FIG. 10

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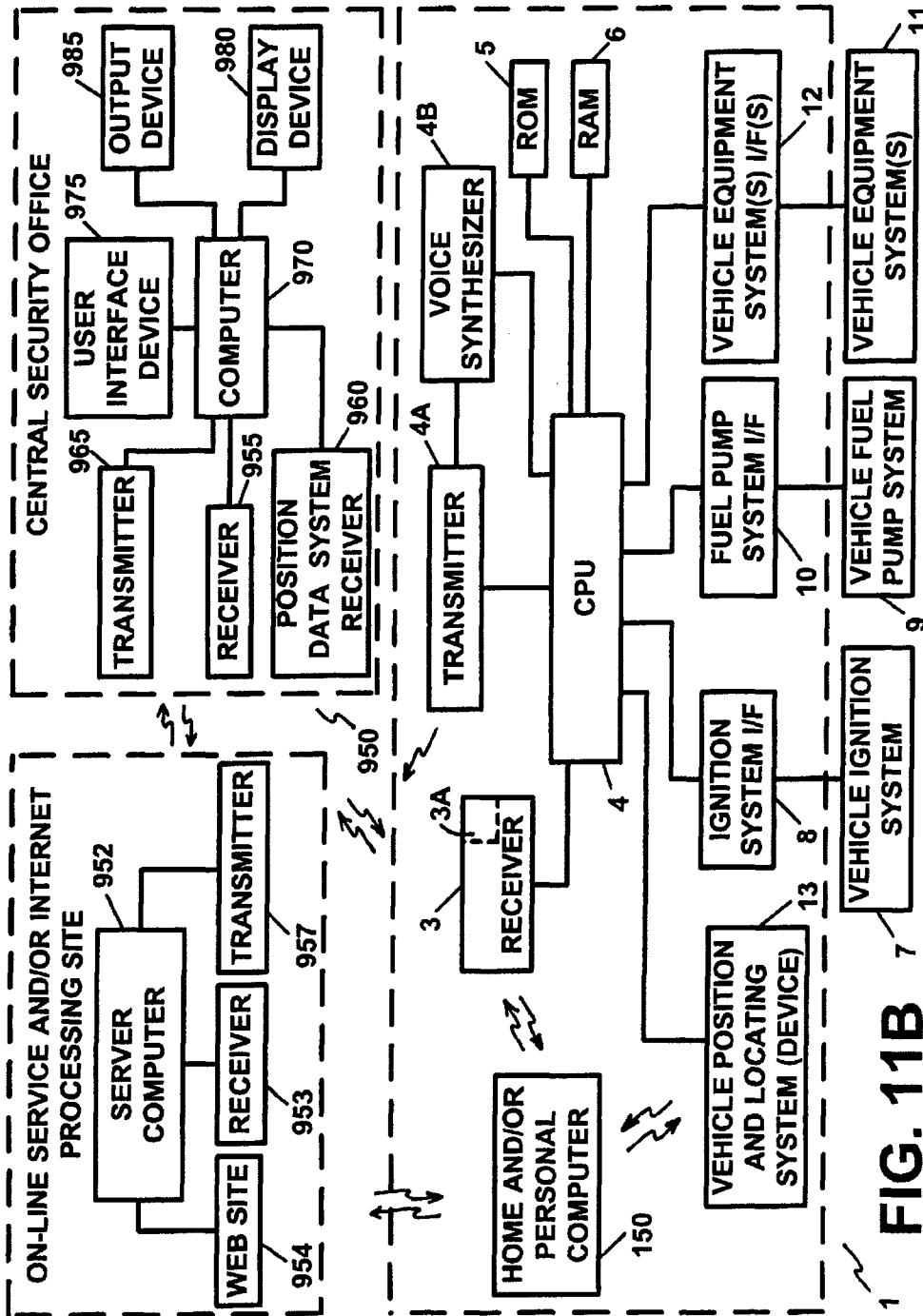


FIG. 11B