

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

JOAO CONTROL & MONITORING
SYSTEMS, LLC,

Plaintiff,

v.

LOWE'S COMPANIES, INC.,

Defendant.

Civil Action No. _____

**ORIGINAL COMPLAINT FOR
PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff Joao Control & Monitoring Systems, LLC ("Plaintiff" or "JCMS"), by and through its undersigned counsel, files this Original Complaint for Patent Infringement against Defendant Lowe's Companies, Inc. ("Defendant" or "Lowe's") as follows:

NATURE OF THE ACTION

1. This is a patent infringement action to stop Defendant's infringement of Plaintiff's United States Patent No. 6,542,076 entitled "*Control, Monitoring and/or Security Apparatus*" (the "'076 Patent"; a copy of which is attached hereto as Exhibit A), United States Patent No. 6,549,130 entitled "*Control Apparatus and Method for Vehicles and/or for Premises*" (the "'130 Patent"; a copy of which is attached hereto as Exhibit B), United States Patent No. 6,587,046 entitled "*Monitoring Apparatus and Method*" (the "'046 Patent"; a copy of which is attached hereto as Exhibit C), United States Patent No. 7,277,010 entitled "*Monitoring Apparatus and Method*" (the "'010 Patent"; a copy of which is attached hereto as Exhibit D), and United States Patent No. 7,397,363 entitled "*Control and/or Monitoring Apparatus and Method*" (the "'363 Patent"; a copy of which is attached hereto as Exhibit E) (collectively, "the Patents-in-Suit").

Plaintiff is the owner of the Patents-In-Suit. Plaintiff seeks injunctive relief and monetary damages.

PARTIES

2. JCMS 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 all rights thereto, including the exclusive right to exclude the Defendant from making, using, selling, offering to sell or importing in this district and elsewhere into the United States the patented invention(s) of the Patents-in-Suit, the right to sublicense the Patents-in-Suit, and to sue the Defendant for infringement and recover past damages.

3. Upon information and belief, Lowe's is a corporation duly organized and existing under the laws of the State of North Carolina having its principal place of business located at 1000 Lowe's Boulevard, Mooresville, North Carolina, 28117.

JURISDICTION AND VENUE

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

5. The Court has personal jurisdiction over Defendant because: Defendant has minimum contacts within the State of North Carolina and in the Western District of North Carolina; Defendant has purposefully availed itself of the privileges of conducting business in the State of North Carolina and in the Western District of North Carolina; Defendant has sought protection and benefit from the laws of the State of North Carolina; Defendant regularly conducts business within the State of North Carolina and within the Western District of North

Carolina, and Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of North Carolina and in the Western District of North Carolina.

6. More specifically, Defendant, directly and/or through its intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including the provision of an interactive web page) its products and services in the United States, the State of North Carolina, and the Western District of North Carolina. Upon information and belief, Defendant has committed patent infringement in the State of North Carolina and in the Western District of North Carolina. Defendant solicits customers in the State of North Carolina and in the Western District of North Carolina. Defendant has many paying customers who are residents of the State of North Carolina and the Western District of North Carolina and who use Defendant's products and services in the State of North Carolina and in the Western District of North Carolina.

7. Venue is proper in the Western District of North Carolina pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I:
INFRINGEMENT OF U.S. PATENT NO. 6,542,076

8. Plaintiff re-alleges and incorporates by reference each of Paragraphs 1-7 above.

9. The '076 Patent was duly and legally issued by the United States Patent and Trademark Office on April 1, 2003, after full and fair examination for systems and methods for controlling vehicles and/or premises using at least three devices. Plaintiff is the owner of the '076 patent, and possesses all substantive rights and rights of recovery under the '076 patent with respect to the Defendant, including the right to sue for infringement and recover past damages.

10. On information and belief, Defendant has had knowledge of the '076 patent at least as of March 22, 2013.

11. On information and belief, Defendant owns, operates, advertises, and controls its

website, www.lowes.com, through which Defendant advertises, sells, offers to sell, provides and/or educates customers about its products and services.

12. Plaintiff is informed and believes that Defendant has infringed and continues to infringe the '076 Patent either literally or under the doctrine of equivalents. Upon information and belief, Defendant has infringed and continues to infringe one or more claims of the '076 Patent by making, using, providing, and/or importing, directly or through intermediaries, in this district and elsewhere in the United States, systems which are comprised of three devices that constitute a control apparatus, such as Lowe's home management system, Iris ("the Accused Product"). The control apparatus used by Lowe's consists of an Iris Hub, located at a premises, an Iris server, located remote from the premises, and a user's computer or phone, located remote from the premises and the server. The Iris Hub, located at a premises, monitors various devices used to detect an event. If the event occurs, the panel sends a signal to the Iris server, located remote from the premises, which in turn sends a signal to a user's phone and/or computer, remote from the Iris Server and the premises, displaying to the user information regarding the event. This apparatus and its attendant functions take place in this district and elsewhere in the United States, enabled by and accessed through its website, www.lowes.com.

13. Plaintiff is informed and believes that Defendant in conjunction with its customers have infringed and continue to infringe the '076 Patent either literally or under the doctrine of equivalents. Upon information and belief, Defendant and its customers have infringed and continue to infringe one or more claims of the '076 Patent by making, using, providing, and/or importing, directly or through intermediaries, in this district and elsewhere in the United States, systems which are comprised of three devices that constitute a control apparatus, such as Lowe's home management system, Iris ("the Accused Product"). The control

apparatus used by Lowe's consists of an Iris Hub, located at a premises, the Iris server, located remote from the premises, and a user's computer or phone, located remote from both the premises and the Iris server. The Iris Hub, located at a premises, monitors various devices used to detect an event. If the event occurs, the panel sends a signal to the Iris server, located remote from the premises, which in turn sends a signal to a user's phone and/or computer, remote from the Iris server and remote from the premises, displaying to the user information regarding the event. This apparatus and its attendant functions take place in this district and elsewhere in the United States, enabled by and accessed through its website, www.lowes.com.

14. Upon information and belief, Defendant has intentionally induced and continues to induce infringement of one or more claims of the '076 patent in this district and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused its customers to use Defendant's system, Iris. Despite knowledge of the '076 patent as early as March 22, 2013, Defendant, upon information and belief, continues to encourage, instruct, enable, and otherwise cause its customers to use its system, Iris, in a manner which infringes the '076 patent. Upon information and belief, Defendant has specifically intended its customers to use Iris in such a way that infringes the '076 patent by, at a minimum, providing and supporting Iris and instructing its customers on how to use Iris in an infringing manner. Defendant knew that its actions, including, but not limited to Iris, would induce, have induced, and will continue to induce infringement by its customers.

15. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

16. Despite its knowledge of the '076 patent, known of at least since March 22, 2013,

and without a reasonable basis for continuing the infringing activities described in the preceding paragraphs, on information and belief, Defendant has willfully infringed and continues to willfully infringe the '076 patent.

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

18. Defendant's infringement of Plaintiff's rights under the '076 Patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

COUNT II:
INFRINGEMENT OF U.S. PATENT NO. 6,549,130

19. Plaintiff re-alleges and incorporates by reference each of Paragraphs 1-18 above.

20. The '130 Patent was duly and legally issued by the United States Patent and Trademark Office on April 15, 2003, after full and fair examination for systems and methods for controlling vehicle or premises systems using at least three devices. Plaintiff is the owner of the '130 patent and possesses all substantive rights and rights of recovery under the '130 patent, including the right to sue for infringement and recover past damages.

21. On information and belief, Defendant has had knowledge of the '130 patent at least as of March 22, 2013.

22. On information and belief, Defendant owns, operates, advertises, and controls its website, www.lowes.com, through which Defendant advertises, sells, offers to sell, provides and/or educates customers about its products and services.

23. Plaintiff is informed and believes that Defendant has infringed and continues to infringe the '130 Patent either literally or under the doctrine of equivalents. Upon information and belief, Defendant has infringed and continues to infringe one or more claims of the '130 Patent by making, using, providing, and/or importing, directly or through intermediaries, in this district and elsewhere in the United States, systems which are comprised of three devices that constitute a control apparatus, such as Lowe's home management system, Iris ("the Accused Product"). The control apparatus used by Lowe's consists of an Iris Hub, located at a premises, an Iris server, located remote from the premises, and a user's computer or phone, located remote from both the premises and the Iris server. The user's computer or phone signals the Iris server from a location remote from both the premises and the server, causing the Iris server to issue a signal to the Iris Hub, located at the premises, to activate a premises equipment such as small appliances. This apparatus and its attendant functions take place in this district and elsewhere in the United States, enabled by and accessed through its website, www.lowes.com.

24. Plaintiff is informed and believes that Defendant in conjunction with its customers have infringed and continue to infringe the '130 Patent either literally or under the doctrine of equivalents. Upon information and belief, Defendant and its customers have infringed and continue to infringe one or more claims of the '130 Patent by making, using, providing, and/or importing, directly or through intermediaries, in this district and elsewhere in the United States, systems which are comprised of three devices that constitute a control apparatus, such as Lowe's home management system, Iris ("the Accused Product"). The control apparatus used by Lowe's consists of an Iris Hub, located at a premises, an Iris server, located remote from the premises, and a user's computer or phone, located remote from both the premises and the Iris server. The user's computer or phone signals the Iris server from a location

remote from both the premises and the server, causing the Iris server to issue a signal to the Iris Hub, located at the premises, to activate a premises equipment such as small appliances. This apparatus and its attendant functions take place in this district and elsewhere in the United States, enabled by and accessed through its website, www.lowes.com.

25. Upon information and belief, Defendant has intentionally induced and continues to induce infringement of one or more claims of the '130 patent in this district and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused its customers to use Defendant's system, Iris. Despite knowledge of the '130 patent as early as March 22, 2013, Defendant, upon information and belief, continues to encourage, instruct, enable, and otherwise cause its customers to use its system, Iris, in a manner which infringes the '130 patent. Upon information and belief, Defendant has specifically intended its customers to use Iris in such a way that infringes the '130 patent by, at a minimum, providing and supporting Iris and instructing its customers on how to use Iris in an infringing manner. Defendant knew that its actions, including, but not limited to Iris, would induce, have induced, and will continue to induce infringement by its customers.

26. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

27. Despite its knowledge of the '130 patent, known of at least since March 22, 2013, and without a reasonable basis for continuing the infringing activities described in the preceding paragraphs, on information and belief, Defendant has willfully infringed and continues to willfully infringe the '130 patent.

28. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff

as a result of Defendant's wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

29. Defendant's infringement of Plaintiff's rights under the '130 Patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

COUNT III:
INFRINGEMENT OF U.S. PATENT NO. 6,587,046

30. Plaintiff re-alleges and incorporates by reference each of Paragraphs 1-29 above.

31. The '046 Patent was duly and legally issued by the United States Patent and Trademark Office on July 1, 2003 after full and fair examination. Plaintiff is the owner of the '046 Patent, and possesses all right, title and interest in the '046 Patent including the right to enforce the '046 Patent, and the right to sue Defendant for infringement and recover past damages.

32. On information and belief, Defendant has had knowledge of the '046 patent at least as of March 22, 2013.

33. On information and belief, Defendant owns, operates, advertises, and controls its website, www.lowes.com, through which Defendant advertises, sells, offers to sell, provides and/or educates customers about its products and services.

34. Plaintiff is informed and believes that Defendant has infringed and continues to infringe the '046 Patent either literally or under the doctrine of equivalents. Upon information and belief, Defendant has infringed and continues to infringe one or more claims of the '046 Patent by making, using, providing, and/or importing, directly or through intermediaries, in this district and elsewhere in the United States, systems which are comprised of three devices that

practice a monitoring method, such as Lowe's home management system, Iris ("the Accused Product"). The monitoring method used by Lowe's consists of transmitting video information, gathered by a recording device or camera located at a premises, to the Iris server, which then transmits the video information to the user's computer or phone over the Internet upon receipt of a signal from the user's computer or phone. The Iris server is remote from the premises and the user's computer or phone is remote from both the premises and the Iris server. This method, with its attendant products, occurs in this district and elsewhere in the United States, enabled by and accessed through its website, www.lowes.com.

35. Plaintiff is informed and believes that Defendant and its customers have infringed and continue to infringe the '046 Patent either literally or under the doctrine of equivalents. Upon information and belief, Defendant and its customers have infringed and continue to infringe one or more claims of the '046 Patent by making, using, providing, and/or importing, directly or through intermediaries, in this district and elsewhere in the United States, systems which are comprised of three devices that practice a monitoring method, such as Lowe's home management system, Iris ("the Accused Product"). The monitoring method used by Lowe's consists of transmitting video information, gathered by a recording device or camera located at a premises, to the Iris server, which then transmits the video information to the user's computer or phone over the Internet upon receipt of a signal from the user's computer or phone. The Iris server is remote from the premises and the user's computer or phone is remote from both the premises and the Iris server. This method, with its attendant products, occurs in this district and elsewhere in the United States, enabled by and accessed through its website, www.lowes.com.

36. Upon information and belief, Defendant has intentionally induced and continues to induce infringement of one or more claims of the '046 patent in this district and elsewhere in

the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused its customers to use Defendant's system, Iris. Despite knowledge of the '046 patent as early as March 22, 2013, Defendant, upon information and belief, continues to encourage, instruct, enable, and otherwise cause its customers to use its system, Iris, in a manner which infringes the '046 patent. Upon information and belief, Defendant has specifically intended its customers to use Iris in such a way that infringes the '046 patent by, at a minimum, providing and supporting Iris and instructing its customers on how to use Iris in an infringing manner. Defendant knew that its actions, including, but not limited to Iris, would induce, have induced, and will continue to induce infringement by its customers.

37. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

38. Despite its knowledge of the '046 patent, known of at least since March 22, 2013, and without a reasonable basis for continuing the infringing activities described in the preceding paragraphs, on information and belief, Defendant has willfully infringed and continues to willfully infringe the '046 patent.

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

40. Defendant's infringement of Plaintiff's rights under the '046 Patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

COUNT IV:
INFRINGEMENT OF U.S. PATENT NO. 7,277,010

41. Plaintiff re-alleges and incorporates by reference each of Paragraphs 1-40 above.

42. The '010 Patent was duly and legally issued by the United States Patent and Trademark Office on October 2, 2007 after full and fair examination. Plaintiff is the owner of the '010 Patent, and possesses all right, title and interest in the '010 Patent including the right to enforce the '010 Patent, and the right to sue Defendant for infringement and recover past damages.

43. On information and belief, Defendant has had knowledge of the '010 patent at least as of March 22, 2013.

44. On information and belief, Defendant owns, operates, advertises, and controls its website, www.lowes.com, through which Defendant advertises, sells, offers to sell, provides and/or educates customers about its products and services.

45. Plaintiff is informed and believes that Defendant has infringed and continues to infringe the '010 Patent either literally or under the doctrine of equivalents. Upon information and belief, Defendant has infringed and continues to infringe one or more claims of the '010 Patent by making, using, providing, and/or importing, directly or through intermediaries, in this district and elsewhere in the United States, systems which are comprised of three devices that practice a monitoring method, such as Lowe's home management system, Iris ("the Accused Product"). The monitoring method used by Lowe's consists of transmitting video information, gathered by a recording device or camera located at a premises, to the Iris server, which, upon determination of proper authorization, transmits the video information to the user's computer of phone over the Internet upon receipt of a signal from the user's computer or phone. The Iris server is remote from the premises and the user's computer or phone is remote from both the

premises and the Iris server. This method, with its attendant products, occurs in this district and elsewhere in the United States, enabled by and accessed through its website, www.lowes.com.

46. Plaintiff is informed and believes that Defendant and its customers have infringed and continue to infringe the '010 Patent either literally or under the doctrine of equivalents. Upon information and belief, Defendant and its customers have infringed and continue to infringe one or more claims of the '010 Patent by making, using, providing, and/or importing, directly or through intermediaries, in this district and elsewhere in the United States, systems which are comprised of three devices that practice a monitoring method, such as Lowe's home management system, Iris ("the Accused Product"). The monitoring method used by Lowe's consists of transmitting video information, gathered by a recording device or camera located at a premises, to the Iris server, which, upon determination of proper authorization, transmits the video information to the user's computer or phone over the Internet upon receipt of a signal from the user's computer or phone. The Iris server is remote from the premises and the user's computer or phone is remote from both the premises and the Iris server. This method, with its attendant products, occurs in this district and elsewhere in the United States, enabled by and accessed through its website, www.lowes.com.

47. Upon information and belief, Defendant has intentionally induced and continues to induce infringement of one or more claims of the '010 patent in this district and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused its customers to use Defendant's system, Iris. Despite knowledge of the '010 patent as early as March 22, 2013, Defendant, upon information and belief, continues to encourage, instruct, enable, and otherwise cause its customers to use its system, Iris, in a manner which infringes the '010 patent. Upon information

and belief, Defendant has specifically intended its customers to use Iris in such a way that infringes the '010 patent by, at a minimum, providing and supporting Iris and instructing its customers on how to use Iris in an infringing manner. Defendant knew that its actions, including, but not limited to Iris, would induce, have induced, and will continue to induce infringement by its customers.

48. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

49. Despite its knowledge of the '010 patent, known of at least since March 22, 2013, and without a reasonable basis for continuing the infringing activities described in the preceding paragraphs, on information and belief, Defendant has willfully infringed and continues to willfully infringe the '010 patent.

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

51. Defendant's infringement of Plaintiff's rights under the '010 Patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

COUNT V:
INFRINGEMENT OF U.S. PATENT NO. 7,397,363

52. Plaintiff re-alleges and incorporates by reference each of Paragraphs 1-51 above.

53. The '363 Patent was duly and legally issued by the United States Patent and Trademark Office on July 8, 2008, after full and fair examination for systems and methods for controlling vehicle or premises systems using at least three devices. Plaintiff is the owner of the

'363 Patent and possesses all substantive rights and rights of recovery under the '363 Patent, including the right to sue for infringement and recover past damages.

54. On information and belief, Defendant has had knowledge of the '363 patent at least as of March 22, 2013.

55. On information and belief, Defendant owns, operates, advertises, and controls its website, www.lowes.com, through which Defendant advertises, sells, offers to sell, provides and/or educates customers about its products and services.

56. Plaintiff is informed and believes that Defendant has infringed and continues to infringe the '363 Patent either literally or under the doctrine of equivalents. Upon information and belief, Defendant has infringed and continues to infringe one or more claims of the '363 Patent by making, using, providing, and/or importing, directly or through intermediaries, in this district and elsewhere in the United States, systems which are comprised of three devices that constitute an apparatus, such as Lowe's home management system, Iris ("the Accused Product"). The apparatus used by Lowe's consists of an Iris Hub, located at a premises, an Iris server, located remote from the premises, and a user's computer or phone, located remote from both the premises and the Iris server. The user's computer or phone, remote from the premises and the Iris server, sends a signal over the Internet to the Iris server, located remotely from the premises. If the signal is deemed authorized, a different signal is then sent to the Iris Hub, which activates an associated premise system, such as automatic door locks. This apparatus and its attendant functions take place in this district and elsewhere in the United States, enabled by and accessed through its website, www.lowes.com.

57. Plaintiff is informed and believes that Defendant and its customers have infringed and continue to infringe the '363 Patent either literally or under the doctrine of equivalents.

Upon information and belief, Defendant and its customers have infringed and continue to infringe one or more claims of the '363 Patent by making, using, providing, and/or importing, directly or through intermediaries, in this district and elsewhere in the United States, systems which are comprised of three devices that constitute an apparatus, such as Lowe's home management system, Iris ("the Accused Product"). The apparatus used by Lowe's consists of an Iris Hub, located at a premises, an Iris server, located remote from the premises, and a user's computer or phone, located remote from both the premises and the Iris server. The user's computer or phone, remote from a premises and the Iris server, sends a signal over the Internet to the Iris server, located remotely from the premises. If the signal is deemed authorized, a different signal is then sent to the Iris Hub which activates an associated premise system, such as automatic door locks. This apparatus and its attendant functions take place in this district and elsewhere in the United States, enabled by and accessed through its website, www.lowes.com.

58. Upon information and belief, Defendant has intentionally induced and continues to induce infringement of one or more claims of the '363 patent in this district and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused its customers to use Defendant's system, Iris. Despite knowledge of the '363 patent as early as March 22, 2013, Defendant, upon information and belief, continues to encourage, instruct, enable, and otherwise cause its customers to use its system, Iris, in a manner which infringes the '363 patent. Upon information and belief, Defendant has specifically intended its customers to use Iris in such a way that infringes the '363 patent by, at a minimum, providing and supporting Iris and instructing its customers on how to use Iris in an infringing manner. Defendant knew that its actions, including, but not limited to Iris, would induce, have induced, and will continue to induce

infringement by its customers.

59. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

60. Despite its knowledge of the '363 patent, known of at least since March 22, 2013, and without a reasonable basis for continuing the infringing activities described in the preceding paragraphs, on information and belief, Defendant has willfully infringed and continues to willfully infringe the '363 patent.

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

62. Defendant's infringement of Plaintiff's rights under the '363 Patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

63. Plaintiff demands a trial by jury on all issues.

PRAYER FOR RELIEF

Plaintiff respectfully requests the following relief:

- A. An adjudication that one or more claims of the Patents-in-Suit have been infringed, either literally and/or under the doctrine of equivalents, by the Defendant and/or its customers;
- B. An adjudication that Defendant has induced infringement of one or more claims of the Patents-in-Suit;

- C. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement together with prejudgment interest pursuant to 35 U.S.C. § 284;
- D. That, should Defendant's acts of infringement be found to be willful from the time that Defendant became aware of the infringing nature of its actions, that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- E. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of infringement with respect to the claims of the Patents-in-Suit;
- F. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and,
- G. Any further relief that this Court deems just and proper.

\
\

Respectfully submitted this 5th day of April, 2013.

/s/ Brian L. Kinsley

Brian L. Kinsley (#38683)

CRUMLEY ROBERTS

2400 Freeman Mill Road

Greensboro, NC 27408

Telephone: (336) 333-9899

Facsimile: (336) 333-9894

Email: blkinsley@crumleyroberts.com

Steven W. Ritcheson. *Pro Hac Vice* Anticipated

HENINGER GARRISON DAVIS, LLC

Heninger Garrison Davis, LLC

9800 D Topanga Canyon Blvd. #347

Chatsworth, California 91311

Telephone: (818) 882-1030

Facsimile: (818) 337-0383

Email: switcheson@hgdllawfirm.com

**Attorneys for Plaintiff Joao Control &
Monitoring Systems, LLC**