

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

JOHN B. ADRAIN,

*Plaintiff,*

vs.

HIKVISION DIGITAL TECHNOLOGY  
CO., LTD. and HIKVISION USA INC.

*Defendants.*

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Case No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff John B. Adrain (“Adrain”) brings this action against defendants Hikvision Digital Technology Co., Ltd. and Hikvision USA Inc. (collectively “Hikvision” or “Defendants”) and alleges:

**THE PARTIES**

1. Adrain is the inventor of and owns the entire right, title, and interest in the patent at issue in this case.

2. On information and belief, Hikvision Digital Technology Co., Ltd. is a corporation organized and existing under the laws of China, with its principal place of business located at No. 700, Dongliu Road, Binjiang District, Hangzhou 310052, China. Service of process can be made on Hikvision Digital Technology Co., Ltd. by way of The Hague Service Convention.

3. On information and belief, Hikvision USA Inc. is a corporation organized and existing under the laws of California, with its principal place of business located at 908 Canada Court, City of Industry, California 91748. Hikvision USA Inc. can be served with process through its registered

agent located within the Eastern District of Texas, Fei-Fei Catherine Fang, 6300 Stonewood Drive, Suite 308, Plano, Texas 75024.

#### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

5. Subject-matter jurisdiction over Adrain's claim is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Defendants have operated, conducted, engaged in, and/or carried on business in the state of Texas and this District.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) (c) and (d), and/or 1400(b).

#### **GENERAL ALLEGATIONS REGARDING PATENT INFRINGEMENT**

8. On November 3, 1998, U.S. Patent No. 5,831,669, entitled "Facility Monitoring System with Image Memory and Correlation" was duly and legally issued to the inventor, John B. Adrain. A Reexamination Certificate for U.S. Patent 5,831,669 issued on August 21, 2012. A true and correct copy of U.S. Patent 5,831,669 with the Reexamination Certificate is attached hereto as Exhibit A. (U.S. Patent 5,831,669 and the Reexamination Certificate are collectively referred to as "the '669 patent.") Adrain owns all right, title and interest in the '669 patent, including the right to sue for and recover all past, present and future damages for infringement of the '669 patent.

9. The '669 patent is presumed valid.

#### **COUNT I PATENT INFRINGEMENT**

10. Adrain repeats and realleges the allegations of paragraphs 1-9 above, as though fully set forth herein.

**11.** Upon information and belief, Hikvision, either alone or in conjunction with others, has in the past and continues to infringe and/or induce infringement of the '669 patent by making, using, selling, offering to sell, and/or importing, and/or causing others to make, use, sell, or offer to sell, and/or import, in this judicial district and/or elsewhere in the United States, security monitoring systems that alone or in use are covered by one or more of the claims of the '669 patent.

**12.** For example, Hikvision makes, uses, sells, offers to sell and/or imports video surveillance cameras, software and network video recorders. By way of further example, one such camera is the DS-2DF5276-AEL that can be used with the DS-7600NI-SE Series HikVision Network Video Recorder and iVMS-4200 software.

**13.** Consumers purchase and use Hikvision's systems and devices and are instructed by Hikvision to use such systems and devices in manners that infringe one or more claims of the '669 patent.

**14.** Hikvision provides instructions, such as user manuals, that instruct consumers on how to set up and use such devices and systems, specifically intending such consumers will operate these devices and systems in a manner that constitutes infringement of one or more claims of the '669 patent, and knowing of such actions, which constitutes infringement of one or more claims of the '669 patent.

**15.** Hikvision has been and/or is now indirectly infringing one or more claims of the '669 patent in violation of 35 U.S.C. 271(b) by inducing users of Hikvision's security monitoring systems to directly infringe one or more claims of the '669 patent through their use of such systems.

**16.** For example, Hikvision induces direct infringement of the '669 patent by providing user manuals and instructions with the iVMS-4200 software that show users how to setup and operate the motion detection features of Hikvision's security monitoring system. Hikvision engages

in such inducement knowingly and, at least from the time of receipt of the present Complaint, has done so with knowledge that such activity encourages consumers of its security monitoring systems to directly infringe the '669 patent.

17. Hikvision is liable for infringement of the '669 patent pursuant to 35 U.S.C. § 271.

18. Hikvision's acts of infringement have caused damage to Adrain, and Adrain is entitled to recover from Hikvision the damages sustained by Adrain as a result of Hikvision's wrongful acts in an amount subject to proof at trial.

19. As a consequence of the infringement complained of herein, Adrain has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless Hikvision is enjoined by this Court from committing further acts of infringement.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Adrain prays for entry of judgment that:

- A. Defendants have directly infringed and/or induced infringement of the '669 patent;
- B. Defendants account for and pay to Adrain all damages caused by their infringement of the '669 patent;
- C. Adrain be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendants and their officers, agents, servants, employees and those persons in active concert or participation with it from further acts of patent infringement;
- D. Adrain be granted pre-judgment and post-judgment interest on the damages caused to him by reason of Defendants' patent infringement;
- E. Adrain be granted his reasonable attorneys' fees in accordance with 35 U.S.C. § 285;
- F. Costs be awarded to Adrain; and,

G. Adrain be granted such other and further relief as the Court may deem just and proper under the circumstances.

**DEMAND FOR JURY TRIAL**

Adrain demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: March 4, 2014

By: /s/ Elizabeth L. DeRieux

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