

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

JOHN B. ADRAIN,

Plaintiff,

vs.

DAHUA TECHNOLOGY CO., LTD.

Defendant.

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Case No. 2:14-cv-625

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff John B. Adrain (õAdrainö) brings this action against defendant Dahua Technology Co., Ltd. (õDahuaö or õDefendantö) 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, Dahua Technology Co., Ltd. is a corporation organized and existing under the laws of China, with its principal place of business located at No. 1199, Binçan Road, Binjiang District, Hangzhou 310053, China. Service of process can be made on Dauha Technology Co., Ltd. by way of The Hague Service Convention.

JURISDICTION AND VENUE

3. 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.

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

5. On information and belief, Defendant's products placed in the stream of commerce in this District are being offered for sale, sold, and purchased in this District.

6. 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

7. 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. (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.

8. The '669 patent is presumed valid.

COUNT I PATENT INFRINGEMENT

9. Adrain repeats and realleges the allegations of paragraphs 1-8 above, as though fully set forth herein.

10. Upon information and belief, Dahua, 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.

11. For example, Dahua 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 SD6582A-HN that can be used with the NVR3204-P Network Video Recorder.

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

13. Dahua 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.

14. Dahua 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 Dahua's security monitoring systems to directly infringe one or more claims of the '669 patent through their use of such systems.

15. For example, Dahua induces direct infringement of the '669 patent by providing user manuals and instructions with the NVR3204-P software that show users how to setup and operate the motion detection features of Dahua's security monitoring system. Dahua 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.

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

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

18. 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 Dahua is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Adrain prays for entry of judgment that:

- A. Defendant has directly infringed and/or induced infringement of the '669 patent;
- B. Defendant account for and pay to Adrain all damages caused by its infringement of the '669 patent;
- C. Adrain be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining Defendant and its 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 Defendant's 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: May 14, 2014

By: /s/Otis Carroll

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