

1 Steven W. Ritcheson (SBN #174062)
2 switcheson@whitefieldinc.com
3 WHITE FIELD, INC.
4 9800 D Topanga Canyon Blvd. #347
5 Chatsworth, California 91311
6 Telephone: (818) 882-1030
7 Facsimile: (818) 337-0383

8 Maureen V. Abbey (*Pro Hac Vice*)
9 maureen@hgdllawfirm.com
10 HENINGER GARRISON DAVIS, LLC
11 220 Saint Paul Street
12 Westfield, New Jersey 07090
13 Telephone: (908) 379-8475
14 Facsimile: (908) 301-9008

15 *Attorneys for Plaintiff,*
16 **JOAO CONTROL AND MONITORING SYSTEMS, LLC**

17 **UNITED STATES DISTRICT COURT**
18 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
19 **SOUTHERN DIVISION**

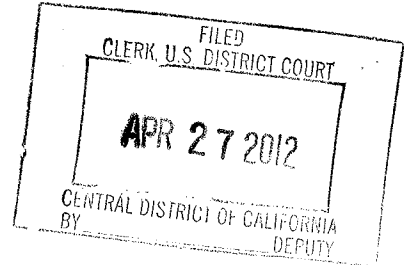
20 JOAO CONTROL AND
21 MONITORING SYSTEMS, LLC,

22 Plaintiff,

23 v.

24 XANBOO, INC.,

25 Defendant.



26 **CV12-03698-ABC(CW)**
27 Case No. _____

28 **COMPLAINT FOR PATENT
INFRINGEMENT**

Jury Trial Demanded

BY FAX

COMPLAINT FOR PATENT INFRINGEMENT

1 Plaintiff Joao Control & Monitoring Systems, LLC (“Plaintiff”), by and
2 through its undersigned counsel, files this Complaint against Xanboo, Inc.
3 (“Defendant” or “Xanboo”).
4

5 **NATURE OF THE ACTION**

6 1. This is a patent infringement action to stop Defendant’s infringement of
7 Plaintiff’s United States Patent No. 7,277,010 entitled “Monitoring Apparatus and
8 Method” (hereinafter, “the ‘010 patent,” a copy of which is attached hereto as
9 Exhibit A), United States Patent No. 6,542,076 entitled “*Control, Monitoring and/or*
10 *Security Apparatus*” (the “‘076 patent”; a copy of which is attached hereto as
11 Exhibit B), United States Patent No. 6,542,077 entitled “Monitoring Apparatus for a
12 Vehicle and/or Premises” (the “‘077 patent”; a copy of which is attached hereto as
13 Exhibit C), and United States Patent No. 7,397,363 entitled “*Control and/or*
14 *Monitoring Apparatus and Method*” (the “‘363 patent”; a copy of which is attached
15 hereto as Exhibit D) (collectively referred to herein as the “patents-in-suit”).
16 Plaintiff is the owner of the patents-in-suit and seeks injunctive relief and monetary
17 damages.
18
19
20
21

22 **PARTIES**

23 2. Plaintiff is a limited liability company organized under the laws of the
24 State of Delaware. Plaintiff maintains its principal place of business at 122 Bellevue
25 Place, Yonkers, New York 10703. Plaintiff is the legal owner of the ‘010 patent, the
26 ‘076 patent, the ‘077 patent and the ‘363 patent, which includes the right to exclude
27
28

1 the Defendant from making, using, selling, offering to sell or importing in this
2 district and elsewhere into the United States the patented invention(s) of the patents-
3 in-suit, and the right to sublicense the patents-in-suit, collect damages, and sue for
4 infringement and recover past damages from the Defendant.
5

6 3. Upon information and belief, Defendant Xanboo is a corporation
7 organized and existing under the laws of the State of Delaware, with its principal
8 place of business located at 286 Fifth Avenue, 4th Floor, New York, New York
9 10001.
10

11 **JURISDICTION AND VENUE**

12
13 4. This action arises under the Patent Laws of the United States, 35 U.S.C.
14 § 1 *et seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has
15 subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§
16 1331 and 1338(a).
17

18 5. The Court has personal jurisdiction over Defendant because:
19 Defendant is present within or has minimum contacts with the State of California
20 and the Central District of California; Defendant has purposefully availed itself of
21 the privileges of conducting business in the State of California and in the Central
22 District of California; Defendant has sought protection and benefit from the laws of
23 the State of California; Defendant regularly conducts business within the State of
24 California and within the Central District of California; and Plaintiff's causes of
25
26
27
28

1 action arise directly from Defendant's business contacts and other activities in the
2 State of California and in the Central District of California.

3 6. More specifically, Defendant, directly and/or through authorized
4 intermediaries, ships, distributes, offers for sale, sells, and/or advertises (including
5 the provision of an interactive web page) its products and services in the United
6 States, the State of California, and the Central District of California. Upon
7 information and belief, Defendant has committed patent infringement in the State of
8 California and in the Central District of California. Defendant solicits customers in
9 the State of California and in the Central District of California. Defendant has many
10 paying customers who are residents of the State of California and the Central
11 District of California and who each use Defendant's products and services in the
12 State of California and in the Central District of California.

13 7. Venue is proper in the Central District of California pursuant to 28
14 U.S.C. §§ 1391 and 1400(b).

15
16
17
18
19
20 **COUNT I – PATENT INFRINGEMENT**

21 8. The '010 patent was duly and legally issued by the United States Patent
22 and Trademark Office on October 2, 2007, after full and fair examination for
23 systems and methods for controlling vehicles and/or premises using at least three
24 control devices. Plaintiff is the owner of the '010 patent, and possesses all
25
26
27
28

1 substantive rights and rights of recovery under the '010 patent with respect to the
2 Defendant, including the right to sue for infringement and recover past damages.

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

10 10. The '077 patent was duly and legally issued by the United States Patent
11 and Trademark Office on April 1, 2003, after full and fair examination for systems
12 and methods for monitoring vehicles and/or premises and detecting a state of
13 disrepair. Plaintiff is the owner of the '077 patent, and possesses all substantive
14 rights and rights of recovery under the '077 patent with respect to the Defendant,
15 including the right to sue for infringement and recover past damages.
16

17 11. The '363 patent was duly and legally issued by the United States Patent
18 and Trademark Office on July 8, 2008, after full and fair examination for systems
19 and methods for controlling vehicles and/or premises using at least two control
20 devices. Plaintiff is the owner of the '363 patent, and possesses all substantive
21 rights and rights of recovery under the '363 patent with respect to the Defendant,
22 including the right to sue for infringement and recover past damages.
23
24
25
26
27
28

1 12. Plaintiff is informed and believes that Xanboo owns, operates,
2 advertises, controls, sells, and otherwise provides hardware and software for
3 “control apparatuses for premises systems” including the Xanboo Central Server
4 system and at least the XG1000 controller (“the Xanboo systems”) and associated
5 hardware and software. Upon information and belief, Xanboo has infringed and
6 continues to infringe one or more claims of the ’010 patent by making, using,
7 providing, offering to sell, and selling (directly or through intermediaries), in this
8 district and elsewhere in the United States, systems for remotely controlling
9 premises systems, including the Xanboo systems. Xanboo has infringed and
10 continues to infringe one or more claims of the ’076 patent by making, using,
11 providing, offering to sell, and selling (directly or through intermediaries), in this
12 district and elsewhere in the United States, systems for remotely controlling
13 premises systems, including the Xanboo systems. Upon information and belief,
14 Xanboo has infringed and continues to infringe one or more claims of the ’077
15 patent by making, using, providing, offering to sell, and selling (directly or through
16 intermediaries), in this district and elsewhere in the United States, systems for
17 remotely controlling premises systems and detecting a state of disrepair, including
18 the Xanboo systems. Upon information and belief, Xanboo has infringed and
19 continues to infringe one or more claims of the ’363 patent by making, using,
20 providing, offering to sell, and selling (directly or through intermediaries), in this
21 district and elsewhere in the United States, systems for remotely controlling
22
23
24
25
26
27
28

1 premises systems, including the Xanboo systems. More particularly, Plaintiff is
2 informed and believes that Xanboo provides hardware and software configured to
3 remotely control one or more premises video cameras and/or video recorders in a
4 manner claimed in the '010 patent, the '076 patent, the '077 patent and the '363
5 patent.
6

7 13. Defendant's aforesaid activities have been without authority and/or
8 license from Plaintiff.
9

10 14. Plaintiff is entitled to recover from the Defendant the damages
11 sustained by Plaintiff as a result of the Defendant's wrongful acts in an amount
12 subject to proof at trial, which, by law, cannot be less than a reasonable royalty,
13 together with interest and costs as fixed by this Court under 35 U.S.C. § 284.
14

15 15. Defendant's infringement of Plaintiff's rights under the patents-in-suit
16 will continue to damage Plaintiff, causing irreparable harm for which there is no
17 adequate remedy at law, unless enjoined by this Court.
18

19 **JURY DEMAND**
20

21 16. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the
22 Federal Rules of Civil Procedure.
23

24 **PRAYER FOR RELIEF**

25 Plaintiff respectfully requests that the Court find in its favor and against
26 Xanboo, and that the Court grant Plaintiff the following relief:
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- A. An adjudication that one or more claims of the '010 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant, and/or had contributed to the infringement of such patent, and/or that such infringement was willful;
- B. An adjudication that Defendant has infringed one or more claims of the '076 patent, either literally and/or under the doctrine of equivalents, by Defendant, and/or has contributed to the infringement of such patent, and/or that such infringement was willful;
- C. An adjudication that one or more claims of the '077 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant, and/or had contributed to the infringement of such patent, and/or that such infringement was willful;
- D. An adjudication that one or more claims of the '363 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant, and/or had contributed to the infringement of such patent, and/or that such infringement was willful;
- E. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement together with pre-judgment and post-judgment interest;

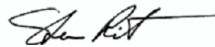
1 F. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining
2 the Defendant from further acts of infringement with respect to the
3 claims of the patents-in-suit;

4
5 G. That this Court declare this to be an exceptional case and award
6 Plaintiff its reasonable attorneys' fees and costs in accordance with 35
7 U.S.C. §285; and

8
9 H. Any further relief that this Court deems just and proper.

10
11 Dated: April 27, 2012

Respectfully submitted,



12
13 Steven W. Ritcheson (SBN #174062)
14 switcheson@whitefieldinc.com
15 WHITE FIELD, INC.
16 9800 D Topanga Canyon Blvd. #347
17 Chatsworth, California 91311
18 Telephone: (818) 882-1030
19 Facsimile: (818) 337-0383

Attorneys for Plaintiff,
**JOAO CONTROL & MONITORING
SYSTEMS, LLC**