

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CUTV FORENSICS, INC.,

Plaintiff,

v.

Civil No. _____

LINEAR LLC,

Defendant.

COMPLAINT

CUTV Forensics, Inc. (“CUTV”), for its Complaint against Linear LLC (“Linear”), alleges as follows:

The Parties

1. CUTV is a Canadian corporation with a principal place of business at 172 Bullock Dr., Suite 27, Markham, Ontario, L3P 7M9.
2. CUTV is engaged in the business of, among other things, residential and commercial security systems including the sale and distribution of security monitoring and recording systems.
3. Upon information and belief, Linear is a California limited liability company with a principal place of business at 1950 Camino Vida Roble, Suite 150, Carlsbad, California 92008.

4. Linear is engaged in the business of, among other things, residential and commercial security systems including the sale and distribution of security monitoring and recording systems.

Jurisdiction and Venue

5. This is a patent infringement action brought under the patent laws of the United States, 35 U.S.C. Section 1, *et seq.*, including 35 U.S.C. Section 271.

6. CUTV seeks damages for patent infringement and an injunction preventing Linear from making, using, selling, or offering to sell, and from inducing others to make, use, sell, or offer to sell, CUTV's patented technology without CUTV's permission.

7. This Court has subject matter jurisdiction under 28 U.S.C. Sections 1331 and 1338(a).

8. This Court has personal jurisdiction over Linear because Linear regularly does and solicits business in New York. Linear also has sold and/or offered to sell products that infringe the patents-in-suit, as alleged below, in New York.

9. Linear's website makes clear that its "products are available throughout the world through a worldwide network of more than three hundred security distributor locations."

10. Linear also employs "Inside Sales representatives" and has a designated point of contact for customers in New York who wish to purchase Linear's products.

11. Venue in this district is proper under 28 U.S.C. §§ 1400 and 1391 because Linear is subject to personal jurisdiction in this District. A substantial part of the events giving rise to the claims asserted herein occurred in this District, and Linear has committed acts of infringement in this District.

First Claim for Patent Infringement
(Infringement of the '499 Patent)

12. CUTV repeats and realleges the allegations set forth in paragraphs 1 through 10.

13. U.S. Patent No. 6,554,499, entitled “Apparatus for Supplying Consistent, Properly Exposed and High Resolution Video Images for the Purpose of Physical Identification and Process for Making Same” (the “499 Patent”), issued on April 29, 2003.

14. CUTV is the owner by assignment of all right, title, and interest in the '499 Patent. A true and correct copy of the '499 Patent is attached as **Exhibit A**.

15. The '499 Patent discloses and claims, among other things, an apparatus and process for installation of a camera for taking precise close-up images of an individual's face through a covert security camera through a preferred embodiment in a measuring scale for height identification.

16. Linear has infringed and continues to infringe the '499 Patent by making, using, selling, and/or offering for sale, in this District and elsewhere, surveillance systems and products that use a Height Strip Camera to capture facial images of individuals that incorporate all elements of claims of the '499 Patent, such as, for

example, Linear's HC1CH30-6, HC1CH30-6N, HC1CH30-6B, HC1CH30-6BN, HC1CH30-6S, HC1CH30-6SN, HC1CH30-6BZ, and HC1CH30-6BZN Height Strip Cameras.

**Second Claim for Patent Infringement
(Inducement to Infringe the '499 Patent)**

17. Linear also provides the above infringing systems and products to customers and others with detailed instructions, information, and training on how to use and install the infringing systems and products in an infringing manner. Linear does so with knowledge that the systems and products are, and will be, used in an infringing manner. Linear's acts constitute inducement to infringe the '499 Patent whenever its customers or others use Linear's infringing systems and products in an infringing manner.

18. CUTV informed Linear that Linear's Height Strip Camera infringed the '499 Patent. With knowledge of the '499 Patent, and after receiving CUTV's admonitions regarding infringement, Linear continued to infringe the '499 Patent, and continued to induce others to infringe the '499 Patent.

19. Linear's actions in infringing the '499 Patent have been, and continue to be, willful, deliberate, and/or in conscious disregard of the rights of CUTV, making this an exceptional case within the meaning of 35 U.S.C. Section 285.

20. As a result of Linear's infringing activities, CUTV has sustained damages in an amount to be proven at trial.

21. Linear will continue its infringing activities unless and until it is restrained and enjoined by this Court.

22. Linear's infringing activities have caused, and will continue to cause, CUTV irreparable harm for which there is no adequate remedy at law.

Jury Demand

23. CUTV demands trial by jury on all matters triable by jury.

WHEREFORE, CUTV is entitled to judgment for the following relief:

(1) Declaring that Linear has directly infringed one or more claims of the '499 Patent.

(2) Declaring that Linear has induced others to infringe one or more claims of the '499 Patent.

(3) Granting an injunction, under 35 U.S.C. Section 283, enjoining Linear, its officers, directors, agents, servants, employees, attorneys, subsidiaries, affiliates, and all those acting in concert with or under or through them, from making, using, selling, and/or offering for sale any systems or products that infringe one or more claims of the '499 Patent, or otherwise directly or indirectly committing further acts of infringement of that Patent.

(4) Ordering an accounting for damages arising from Linear's acts of infringement.

(5) Awarding damages, including treble damages, under 35 U.S.C.

Section 284, with interest.

(6) Finding that Linear's infringement is willful, that this is an exceptional case, and awarding reasonable attorneys' fees to CUTV under 35 U.S.C.

Section 285.

(7) Such further relief as this Court deems proper.

Dated: March 12, 2013

HODGSON RUSS LLP
Attorneys for CUTV Forensics, Inc.

By: s/Robert J. Fluskey
Daniel C. Oliverio
doliverio@hodgsonruss.com
Robert J. Fluskey, Jr.
rfluskey@hodgsonruss.com
Kevin J. Espinosa
kespinos@hodgsonruss.com
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202
Telephone: (716) 856-4000