

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ALEX IS THE BEST, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. _____
)	
D-LINK SYSTEMS, INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Alex is the Best, LLC. (“AITB”), by and through its undersigned counsel, brings this action against D-Link Systems, Inc. (“D-Link” and/or “Defendant”). In support of this Complaint, AITB alleges as follows:

NATURE OF THE SUIT

1. This is an action for patent infringement under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271.

THE PARTIES

2. Plaintiff AITB is a limited liability company organized under the laws of the state of New York with its principal place of business at 75 82nd St., Brooklyn, New York 11209.

3. On information and belief, D-Link is a limited company organized and existing under the laws of the state of California with its principal place of business at 17595 Mt Herrmann St., Fountain Valley CA 92708. D-Link can be served with process through its agent Brett Adair at the same address.

4. Defendant is in the business of making, using, selling, offering to sell and/or importing network-enabled image capturing devices.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338(a) because the action arises under the patent laws of the United States, 35 U.S.C. §§1 *et seq.*

6. This Court has personal jurisdiction over Defendant by virtue of their systematic and continuous contacts with this jurisdiction, as well as because of the injury to AITB and the cause of action AITB has raised, as alleged herein.

7. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Delaware Long-Arm Statute, due to at least their substantial business in this forum, including: (i) at least a portion of the infringement alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in this District.

8. Defendant has conducted and conducts business within this District, directly or through intermediaries, resellers, agents, or offer to sell, sell, and/or advertise (including the use of interactive web pages with promotional material) products in this District that infringe the Asserted Patent.

9. In addition to Defendant continuously and systematically conducting business in this District, the causes of action against Defendant are connected (but not limited) to Defendant's purposeful acts committed in this District, including Defendant's making, using, importing, offering to sell, or selling products which include features that fall within the

scope of at least one claim of the United States Patent No. 8,947,542 (the “’542 Patent”) (the “Asserted Patent”).

10. Venue lies in this District under 28 U.S.C. §§1391 and 1400(b) because, among other reasons, Defendant is subject to personal jurisdiction in this District, and have committed and continue to commit acts of patent infringement in this District. For example, Defendant has used, sold, offered to sell, and/or imported infringing products in this District.

THE PATENT-IN-SUIT

11. There is one patent at issue in this action: the ’542 Patent.

12. On February 3, 2015 the USPTO duly and legally issued the ’542 Patent, entitled “Integrated internet camera system and method” after a full and fair examination to inventor Frank Clemente. AITB is presently the owner by assignment of the ’542 Patent, having received all rights, title, and interest in and to the ’542 Patent. AITB possesses all rights of recovery under the ’542 Patent, including the exclusive right to recover for past infringement. A true and correct copy of the’ 542 Patent is attached to this Complaint as Exhibit A.

DESCRIPTION OF THE ACCUSED INSTRUMENTALITIES

13. Defendants’ network-enabled image-capturing devices, including, but not limited to the DCS-942L Enhanced Day/Night Network Cloud Camera (hereinafter, “Defendants’ Image-capturing Devices”) are able to capture audio and video images and transmit the captured audio and video images to other devices, including (without limitation) smartphones and tablets. The DCS-942L Enhanced Day/Night Network Cloud Camera is also able to receive audio from other devices.

14. Defendants’ Image-capturing Devices are complemented with microprocessors used to transmit video images captured by the Image-capturing Devices to other devices. For

example, the DCS-942L Enhanced Day/Night Network Cloud Camera comes with a built-in CPU processor used by the device for video management and transmittal.

15. Defendant's Image-capturing Devices connect to a communications network automatically on power-up using one of at least two different modes of connection, such as (without limitation) Wi-Fi and Ethernet. When both Wi-Fi and Ethernet are available for Defendant's Image-capturing Devices, they will automatically connect to the Wi-Fi connection. Defendant's Image-capturing Devices automatically switch to the Ethernet network when the Wi-Fi connection becomes unavailable.

COUNT I
INFRINGEMENT OF THE '542 PATENT

16. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1-15.

17. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing the '542 Patent.

18. Defendant has had knowledge of infringement of the '542 Patent at least as of the service of the present complaint.

19. Defendant has directly infringed and continues to directly infringe at least claim 1 of the '542 Patent by making, using, importing, offering to sell, and/or selling Image-capturing Devices without authority in the United States, and will continue to do so unless enjoined by this Court. As a direct and proximate result of Defendant's direct infringement of the '542 Patent, Plaintiff has been and continues to be damaged.

20. To the extent that facts learned in discovery show that Defendant's infringement of the '542 Patent is or has been willful, AITB reserves the right to request such a finding at the time of trial.

21. As a result of Defendant's infringement of the '542 Patent, AITB has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

DEMAND FOR JURY TRIAL

22. AITB demands a trial by jury as to all issues that are triable by a jury in this action.

PRAYER FOR RELIEF

WHEREFORE, AITB prays for the following relief:

A. That Defendant be adjudged to have infringed the Asserted Patent, directly, literally and/or under the doctrine of equivalents;

B. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently enjoined from infringing the Asserted Patent;

C. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate AITB for the Defendant's past infringement and any continuing or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement, including compensatory damages;

D. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. §284; and

E. That AITB have such other and further relief as this Court may deem just and proper.

March 10, 2015

BAYARD, P.A.

/s/ Stephen B. Brauerman
Richard D. Kirk (rk0922)
Stephen B. Brauerman (sb4952)
Vanessa R. Tiradentes (vt5398)
Sara E. Bussiere (sb5725)
222 Delaware Avenue, Suite 900
P.O. Box 25130
Wilmington, DE 19899
rkirk@bayardlaw.com
sbrauerman@bayardlaw.com
vtiradentes@bayardlaw.com
sbussiere@bayardlaw.com
(302) 655-5000

Attorneys for Plaintiff Alex is the Best, LLC