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e.Digital Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

e.Digital Corporation,

Plaintiff,

v.

Netgear, Inc. dba Arlo,

Defendant.

Case No.

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiff e.Digital Corporation (“e.Digital” or “Plaintiff”), by and through its undersigned counsel, complains and alleges against Defendant Netgear, Inc. (dba Arlo) (“Netgear” or “Defendant”) as follows:

NATURE OF THE ACTION

1. This is a civil action for infringement of a patent arising under the laws of the United States relating to patents, 35 U.S.C. § 101, *et seq.*, including, without limitation, 35 U.S.C. §§ 271, 281. Plaintiff e.Digital seeks a preliminary and permanent injunction and monetary damages for patent infringement.

///

COMPLAINT

JURISDICTION AND VENUE

2. This court has subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a) and pursuant to the patent laws of the United States of America, 35 U.S.C. § 101, *et seq.*

3. Venue properly lies within the Northern District of California pursuant to the provisions of 28 U.S.C. §§ 1391(b), (c), and (d) and 1400(b) and/or Local Civil Rule 3-12. On information and belief, Defendant conducts substantial business directly and/or through third parties or agents in this judicial district by selling and/or offering to sell the infringing products and/or by conducting other business in this judicial district. Furthermore, Plaintiff e.Digital has been harmed by Defendant's conduct, business transactions and sales in this district.

4. This Court has personal jurisdiction over Defendant because, on information and belief, Defendant is physically located in and transacts continuous and systematic business within the State of California and the Northern District of California. In addition, this Court has personal jurisdiction over the Defendant because, on information and belief, this lawsuit arises out of Defendant's infringing activities, including, without limitation, the making, using, selling and/or offering to sell infringing products in the State of California and the Northern District of California. Finally, this Court has personal jurisdiction over Defendant because, on information and belief, Defendant has made, used, sold and/or offered for sale its infringing products and placed such infringing products in the stream of interstate commerce with the expectation that such infringing products would be made, used, sold and/or offered for sale within the State of California and the Northern District of California.

5. Upon information and belief, certain of the products manufactured by or for Defendant have been and/or are currently sold and/or offered for sale to consumers including, but not limited to, consumers located within the State of California at, among other places, Defendant's website located at <https://arlo.com>, and brick and mortar stores located in this District such as Best Buy, including its website located at <http://www.bestbuy.com>, Fry's, including its website located at <http://www.frys.com>, Target, including their website at <http://www.target.com>, and online retailers such as Amazon.com, TigerDirect.com and Newegg.com.

1 **PARTIES**

2 6. Plaintiff e.Digital is a Delaware corporation with its headquarters and principal place
3 of business at 16870 West Bernardo Drive, Suite 120, San Diego, California 92127.

4 7. Upon information and belief, Defendant Netgear, Inc. is a corporation registered and
5 lawfully existing under the laws of the State of Delaware, with an office and principal place of
6 business located at 350 E. Plumeria Drive, San Jose, California 95134.

7 8. Upon information and belief, Defendant does business under different names
8 including but not limited to the brand name “Arlo.”

9 **THE ACCUSED PRODUCTS**

10 9. The Defendant’s accused products for purposes of the Asserted Patents include but
11 are not limited to the Defendant’s sensor-based products and services, such as, without limitation,
12 Arlo wireless cameras and camera systems such as Arlo HD Security Systems, Arlo Wire-Free
13 Security Systems, Arlo HD Cameras, and Arlo Q and Arlo Q Plus HD Cameras, Defendant’s
14 computer and mobile applications, and Defendant’s server/cloud-based services for remote
15 monitoring and communication, all of which, in conjunction with each other, infringe the asserted
16 claims of the Asserted Patents (the “Accused Products” or “Arlo System”).

17 10. The accused Arlo System utilizes sensors, such as, *e.g.*, cameras and, in the case of
18 the Q cameras and systems, microphones, for generating sensor data related to the environment of
19 the sensor devices to provide different alerts to users and others regarding activity around the sensor
20 devices. The Arlo System further stores in memory a plurality of templates containing light, audio
21 and/or other parameters (such as, without limitation, motion and audio sensitivity and “zones”) used
22 in classifying activities, such as, for example, motion detection and, in the case of the Q cameras
23 and systems, audio detection. Sensor data is compiled by the Arlo System’s cloud servers or other
24 processing devices and compared to the parameters of one or more templates stored in memory.
25 The Arlo System cloud servers/processors determine which template in memory has the greatest
26 correspondence to the sensor data and utilizes that template and a hierarchy associated with the
27 template, configured either for performing varying operations, such as, among other things,
28 triggering video recording, taking a snapshot, sending alerts or other information to users and

1 others, or doing nothing, using what Defendant refers to as “Modes” and/or “Rules.” The
2 hierarchies associated with the template can also be configured for providing different levels of
3 information via email, push notification, and/or notification through the Arlo mobile app
4 depending, e.g., which camera detected an activity. The Accused Products further use a non-
5 transitory cloud server, which stores processing instructions for carrying out the limitations of the
6 Accused Products. The primary and substantial purpose of the Accused Products is to perform the
7 aforementioned functions. These features infringe each of the claims asserted below.

8 **THE ASSERTED PATENTS**

9 11. On November 13, 2012, the United States and Trademark office, duly and legally
10 issued United States Patent No. 8,311,522, entitled “System and Method for Managing Mobile
11 Communications” (“the ’522 patent”). The patent’s named inventor is Patrick Nunally and Plaintiff
12 e.Digital is assignee and owner of the entire right, title and interest in and to the ’522 patent and
13 vested with the right to bring this suit for damages and other relief. A true and correct copy of the
14 ’522 patent is attached hereto as Exhibit “A”.

15 12. On November 13, 2012, the United States and Trademark office, duly and legally
16 issued United States Patent No. 8,311,524, entitled “System and Method for Managing Mobile
17 Communications” (“the ’524 patent”). The patent’s named inventor is Patrick Nunally and Plaintiff
18 e.Digital is assignee and owner of the entire right, title and interest in and to the ’524 patent and
19 vested with the right to bring this suit for damages and other relief. A true and correct copy of the
20 ’524 patent is attached hereto as Exhibit “B”.

21 13. On April 7, 2015, the United States Patent and Trademark office duly and legally
22 issued United States Patent No. 9,002,331, entitled “System and Method for Managing Mobile
23 Communications” (“the ’331 patent”), which is a continuation of the ’522 patent. Patrick Nunally
24 is the sole named inventor and Plaintiff e.Digital is assignee and owner of the entire right, title and
25 interest in and to the ’331 patent and vested with the right to bring this suit for damages and other
26 relief. A true and correct copy of the ’331 patent is attached hereto as Exhibit “C.”

27 14. On November 3, 2015, the United States Patent and Trademark office duly and
28 legally issued United States Patent No. 9,178,983, also entitled “System and Method of Managing

1 Mobile Communications (“the ’983 patent”). The ’983 patent is a continuation of U.S. Patent No.
 2 8,315,618, which is, in turn, a continuation of the ’522 patent. Patrick Nunally is the sole named
 3 inventor and Plaintiff e.Digital is assignee and owner of the entire right, title and interest in and to
 4 the ’983 patent and vested with the right to bring this suit for damages and other relief. A true and
 5 correct copy of the ’983 patent is attached hereto as Exhibit “D.”

COUNT ONE

INFRINGEMENT OF THE ’522 PATENT BY DEFENDANT

(AS TO THE “Q” PRODUCTS AND SYSTEMS ONLY)

9 15. Plaintiff re-alleges and incorporates by reference each of the allegations set forth in
 10 paragraphs 1 through 14 above.

11 16. Defendant directly or, alternatively, under the doctrine of equivalents, infringes each
 12 of the limitations of independent claim 17 and dependent claim 21 of the ’522 patent (hereafter “the
 13 asserted claims of the ’522 patent”) in violation of 35 U.S.C. § 271(a) when Defendant
 14 demonstrates, tests or otherwise uses the Accused Products, alone or in combination with other
 15 products, in the United States. Defendant’s customers directly or, alternatively, under the doctrine
 16 of equivalents, infringe each of the limitations of independent claim 17 and dependent claim 21 of
 17 the ’522 patent when they use the Accused Products, alone or in combination with other products,
 18 in the United States.

19 17. Defendant has had knowledge of infringement of the ’522 patent since at least the
 20 filing of the original complaint and continues to sell the infringing Accused Products despite such
 21 knowledge.

22 18. Plaintiff alleges on information and belief that Defendant has, in the United States,
 23 without authority, actively induced and continues to actively induce infringement of the asserted
 24 claims of the ’522 patent in violation of 35 U.S.C. § 271(b) by among other things posting
 25 information about and demonstration videos showing how to infringe the Asserted Patents as more
 26 specifically set forth below.

27 19. Plaintiff similarly alleges upon information and belief that, without authority,
 28 Defendant has contributed and continues to contribute to the infringement of the asserted claims of

1 the '522 patent in violation of 35 U.S.C. § 271(c) by importing into the United States, selling and/or
2 offering to sell within the United States Accused Products, that at a minimum include wireless
3 camera and/or other sensor products together with remote monitoring and communication systems
4 as described above, constituting material components of the Accused Products, that Defendant
5 knows were made and/or especially adapted for use in the Accused Products and/or are especially
6 adapted for use in infringing the asserted claims of the '522 patent, and which are not otherwise
7 staple articles of commerce suitable for substantial use in a manner that does not infringe the
8 asserted claims of the '522 patent.

9 20. Plaintiff is informed and believes that Defendant intentionally sells, ships or
10 otherwise delivers the Accused Products in the United States, with knowledge that are designed to
11 and do practice the infringing features of the asserted claims of the '522 patent.

12 21. Plaintiff alleges that Defendant encourages others to directly infringe the asserted
13 claims of the '522 patent in violation of 35 U.S.C. § 271(b) and (c) by, among other things,
14 providing operating manuals, guides, instructional and/or informational videos and other materials
15 designed to instruct others how to use the products in an infringing manner. In particular,
16 Defendant's product literature, materials and instructional videos advertise and encourage
17 customers to use the accused product(s) for remote monitoring, which utilizes the devices described
18 by the '522 patent in a manner Defendant knows infringes the patent.

19 22. Information about and demonstration videos showing how to infringe the asserted
20 claims of the '522 patent are posted by Defendant on its website(s) at <https://arlo.com>, on its
21 Facebook page located at <https://www.facebook.com/arlosmarthome/>, its YouTube page located at
22 <https://www.youtube.com/user/ArloSmartHome>, <https://twitter.com/ArloSmartHome>, and/or public
23 websites.

24 23. Defendant also provides operating manuals, user guides, instructional/informational
25 videos on its website that instruct customers and end-users on how to purchase the Defendant's
26 baby monitor/wireless camera systems and set them up so as to implement and perform the
27 infringing features of the '522 patent. Among other things, the Defendant provides informational
28 materials that lay out step-by-step instructions on how to set up an apparatus or system that

1 infringes the asserted claims of the Asserted Patents on its website(s) such as on website located at
2 <https://arlo.com>, where it provides user manuals, user forums, instructional videos, FAQs and
3 technical support. For example, such materials include instructions for, among other things,
4 installing and setting up audio/video sensors, activating and modifying template parameters, and
5 setting up user and “friend” authorizations.

6 24. Plaintiff believes and thereupon alleges that Defendant is aware that its customers
7 and end-users are using the Accused Products in an infringing manner based on, among other
8 things: 1) the discussions, questions, answers, and/or comments posted on its website, and/or
9 other public websites where Defendant’s authorized agents, customers and/or end-users discuss and
10 disclose the use of the Accused Products, a process which Defendant knows infringes upon patent;
11 and/or, 2) the fact that Defendant encourages its customers and end-users to use the Accused
12 Products in an infringing manner as set forth herein.

13 25. Plaintiff is without an adequate remedy at law and has thus been irreparably harmed
14 by these acts of infringement. Plaintiff asserts upon information and belief that infringement of the
15 asserted claims of the ’522 patent is continuous and ongoing unless and until Defendant is enjoined
16 from further infringement by the court.

17 **COUNT TWO**

18 **INFRINGEMENT OF THE ’524 PATENT BY DEFENDANT**

19 **(AS TO THE “Q” PRODUCTS AND SYSTEMS ONLY)**

20 26. Plaintiff re-alleges and incorporates by reference each of the allegations set forth in
21 paragraphs 1 through 14 above.

22 27. Defendant’s directly or, alternatively, under the doctrine of equivalents, infringe
23 each of the limitations of independent claim 1 and dependent claim 18 of the ’524 patent (hereafter
24 “the asserted claims of the ’524 patent”) in violation of 35 U.S.C. § 271(a) when Defendant
25 demonstrates, tests or otherwise uses the Accused Products, alone or in combination with other
26 products, in the United States. Defendant’s customers directly or, alternatively, under the doctrine
27 of equivalents, infringe each of the limitations of independent claim 1 and dependent claim 18 of
28 the ’524 patent when they use the Accused Products, alone or in combination with other products,

1 in the United States.

2 28. Defendant has had knowledge of infringement of the '524 patent since at least the
3 filing of this complaint and continues to sell the infringing Accused Products despite such
4 knowledge.

5 29. Plaintiff alleges on information and belief that Defendant has, in the United States,
6 without authority, actively induced and continues to actively induce infringement of the asserted
7 claims of the '524 patent in violation of 35 U.S.C. § 271(b) by among other things posting
8 information about and demonstration videos showing how to infringe the Asserted Patents as more
9 specifically set forth below.

10 30. Plaintiff similarly alleges upon information and belief that, without authority,
11 Defendant has contributed and continues to contribute to the infringement of the asserted claims of
12 the '524 patent in violation of 35 U.S.C. § 271(c) by importing into the United States, selling and/or
13 offering to sell within the United States Accused Products, that at a minimum include wireless
14 camera and/or other sensor products together with remote monitoring and communication systems
15 as described above, constituting material components of the Accused Products, that Defendant
16 knows were made and/or especially adapted for use in the Accused Products and/or are especially
17 adapted for use in infringing the asserted claims of the '524 patent; and which are not otherwise
18 staple articles of commerce suitable for substantial use in a manner that does not infringe the
19 asserted claims of the '524 patent.

20 31. Plaintiff is informed and believes that Defendant intentionally sells, ships or
21 otherwise delivers the Accused Products in the United States, with knowledge that are designed to
22 and do practice the infringing features of the asserted claims of the '524 patent.

23 32. Plaintiff alleges that Defendant encourages others to directly infringe the asserted
24 claims of the '524 patent in violation of 35 U.S.C. § 271(b) and (c) by, among other things,
25 knowingly inducing and contributing to the infringement of the '524 patent by, amount other things,
26 providing operating manuals, guides, instructional and/or informational videos and other materials
27 designed to instruct others how to use the products in an infringing manner. In particular,
28 Defendant's product literature, materials and instructional videos advertise and encourage

1 customers to use the accused product(s) for remote monitoring, which utilizes the devices described
2 by the '524 patent in a manner Defendant knows infringes the patent.

3 33. Information about and demonstration videos showing how to infringe the asserted
4 claims of the '524 patent are posted by Defendant on its website(s) at <https://arlo.com>, on its
5 Facebook page located at <https://www.facebook.com/arlosmarthome/>, its YouTube page located at
6 <https://www.youtube.com/user/ArloSmartHome>, <https://twitter.com/ArloSmartHome>, and/or public
7 websites.

8 34. Defendant also provides operating manuals, user guides, instructional/informational
9 videos on its website that instruct customers and end-users on how to purchase the Defendant's
10 baby monitor/wireless camera systems and set them up so as to implement and perform the
11 infringing features of the '524 patent. Among other things, the Defendant provides informational
12 materials that lay out step-by-step instructions on how to set up an apparatus or system that
13 infringes the asserted claims of the Asserted Patents on its website(s) such as on website located at
14 <https://arlo.com>, where it provides user manuals, user forums, instructional videos, FAQs and
15 technical support. For example, such materials include instructions for, among other things,
16 installing and setting up audio/video sensors, activating and modifying template parameters, and
17 setting up user and "friend" authorizations.

18 35. Plaintiff believes and thereupon alleges that Defendant is aware that its customers
19 and end-users are using the Accused Products in an infringing manner based on, among other
20 things: 1) the discussions, questions, answers, and/or comments posted on its website, and/or other
21 other public websites where Defendant's authorized agents, customers and/or end-users discuss and
22 disclose the use of the Accused Products, a process which Defendant knows infringes upon patent;
23 and/or, 2) the fact that Defendant encourages its customers and end-users to use the Accused
24 Products in an infringing manner as set forth herein.

25 36. Plaintiff is without an adequate remedy at law and has thus been irreparably harmed
26 by these acts of infringement. Plaintiff asserts upon information and belief that infringement of the
27 asserted claims of the '524 patent is continuous and ongoing unless and until Defendant is enjoined
28 from further infringement by the court.

COUNT THREE**INFRINGEMENT OF THE '331 PATENT BY DEFENDANT****(AS TO ALL ACCUSED PRODUCTS AND SYSTEMS)**

37. Plaintiff re-alleges and incorporates by reference each of the allegations set forth in paragraphs 1 through 14 above.

38. Defendant directly or, alternatively, under the doctrine of equivalents, infringes each of the limitations of independent claim 1 and dependent claims 2, 3 and 11 of the '331 patent (hereafter "the asserted claims of the '331 patent") in violation of 35 U.S.C. § 271(a) when Defendant demonstrates, tests or otherwise uses the Accused Products, alone or in combination with other products, in the United States. Defendant's customers directly or, alternatively, under the doctrine of equivalents, infringe each of the limitations of independent claim 1 and dependent claims 2, 3, and 11 of the '331 patent when they use the Accused Products, alone or in combination with other products, in the United States.

39. Defendant has had knowledge of infringement of the '331 patent since at least the filing of the original complaint and continues to sell the infringing Accused Products despite such knowledge.

40. Plaintiff alleges on information and belief that Defendant has, in the United States, without authority, actively induced and continues to actively induce infringement of the asserted claims of the '331 patent in violation of 35 U.S.C. § 271(b) by among other things posting information about and demonstration videos showing how to infringe the Asserted Patents as more specifically set forth below.

41. Plaintiff similarly alleges upon information and belief that, without authority, Defendant has contributed and continues to contribute to the infringement of the asserted claims of the '331 patent in violation of 35 U.S.C. § 271(c) by importing into the United States, selling and/or offering to sell within the United States Accused Products, that at a minimum include wireless camera and/or other sensor products together with remote monitoring and communication systems as described above, constituting material components of the Accused Products, that Defendant knows were made and/or especially adapted for use in the Accused Products and/or are especially

1 adapted for use in infringing the asserted claims of the '331 patent, and which are not otherwise
2 staple articles of commerce suitable for substantial use in a manner that does not infringe the
3 asserted claims of the '331 patent.

4 42. Plaintiff is informed and believes that Defendant intentionally sells, ships or
5 otherwise delivers the Accused Products in the United States, with knowledge that are designed to
6 and do practice the infringing features of the asserted claims of the '331 patent.

7 43. Plaintiff alleges that Defendant encourages others to directly infringe the asserted
8 claims of the '331 patent in violation of 35 U.S.C. § 271(b) and (c) by, among other things,
9 providing operating manuals, guides, instructional and/or informational videos and other materials
10 designed to instruct others how to use the products in an infringing manner. In particular,
11 Defendant's product literature, materials and instructional videos advertise and encourage
12 customers to use the accused product(s) for remote monitoring, which utilizes the devices described
13 by the '331 patent in a manner Defendant knows infringes the patent.

14 44. Information about and demonstration videos showing how to infringe the asserted
15 claims of the '331 patent are posted by Defendant on its website(s) at <https://arlo.com>, on its
16 Facebook page located at <https://www.facebook.com/arlosmarthome/>, its YouTube page located at
17 <https://www.youtube.com/user/ArloSmartHome>, <https://twitter.com/ArloSmartHome>, and/or public
18 websites.

19 45. Defendant also provides operating manuals, user guides, instructional/informational
20 videos on its website that instruct customers and end-users on how to purchase the Defendant's
21 baby monitor/wireless camera systems and set them up so as to implement and perform the
22 infringing features of the '331 patent. Among other things, the Defendant provides informational
23 materials that lay out step-by-step instructions on how to set up an apparatus or system that
24 infringes the asserted claims of the Asserted Patents on its website(s) such as on website located at
25 <https://arlo.com>, where it provides user manuals, user forums, instructional videos, FAQs and
26 technical support. For example, such materials include instructions for, among other things,
27 installing and setting up audio/video sensors, activating and modifying template parameters, and
28 setting up user and "friend" authorizations.

46. Plaintiff believes and thereupon alleges that Defendant is aware that its customers and end-users are using the Accused Products in an infringing manner based on, among other things: 1) the discussions, questions, answers, and/or comments posted on its website, and/or other public websites where Defendant's authorized agents, customers and/or end-users discuss and disclose the use of the Accused Products, a process which Defendant knows infringes upon patent; and/or, 2) the fact that Defendant encourages its customers and end-users to use the Accused Products in an infringing manner as set forth herein.

47. Plaintiff is without an adequate remedy at law and has thus been irreparably harmed by these acts of infringement. Plaintiff asserts upon information and belief that infringement of the asserted claims of the '331 patent is continuous and ongoing unless and until Defendant is enjoined from further infringement by the court.

COUNT FOUR

INFRINGEMENT OF THE '983 PATENT BY DEFENDANT

(AS TO ALL ACCUSED PRODUCTS AND SYSTEMS)

48. Plaintiff re-alleges and incorporates by reference each of the allegations set forth in paragraphs 1 through 14 above.

49. Defendant directly or, alternatively, under the doctrine of equivalents, infringes each of the limitations of independent claims 1 and 20 and dependent claims 13, 14, 16, and 19 of the '983 patent (hereafter "the asserted claims of the '983 patent") in violation of 35 U.S.C. § 271(a) when Defendant sells, offers to sell, demonstrates, tests or otherwise uses the Accused Products, alone or in combination with other products, in the United States. Defendant's customers directly or, alternatively, under the doctrine of equivalents, infringe each of the limitations of independent claims 1 and 20 and dependent claims 13, 14, 16, 19 of the '983 patent when they use the Accused Products, alone or in combination with other products, in the United States.

50. Defendant has had knowledge of infringement of the '983 patent since at least the filing of the original complaint and continues to sell the infringing Accused Products despite such knowledge.

51. Plaintiff alleges on information and belief that Defendant has, in the United States,

1 without authority, actively induced and continues to actively induce infringement of the asserted
2 claims of the '983 patent in violation of 35 U.S.C. § 271(b) by among other things posting
3 information about and demonstration videos showing how to infringe the Asserted Patents as more
4 specifically set forth below.

5 52. Plaintiff similarly alleges upon information and belief that, without authority,
6 Defendant has contributed and continues to contribute to the infringement of the asserted claims of
7 the '983 patent in violation of 35 U.S.C. § 271(c) by importing into the United States, selling and/or
8 offering to sell within the United States Accused Products, that at a minimum include wireless
9 camera and/or other sensor products together with remote monitoring and communication systems
10 as described above, constituting material components of the Accused Products, that Defendant
11 knows were made and/or especially adapted for use in the Accused Products and/or are especially
12 adapted for use in infringing the asserted claims of the '983 patent, and which are not otherwise
13 staple articles of commerce suitable for substantial use in a manner that does not infringe the
14 asserted claims of the '983 patent.

15 53. Plaintiff is informed and believes that Defendant intentionally sells, ships or
16 otherwise delivers the Accused Products in the United States, with knowledge that are designed to
17 and do practice the infringing features of the asserted claims of the '983 patent.

18 54. Plaintiff alleges that Defendant encourages others to directly infringe the asserted
19 claims of the '983 patent in violation of 35 U.S.C. § 271(b) and (c) by, among other things,
20 providing operating manuals, guides, instructional and/or informational videos and other materials
21 designed to instruct others how to use the products in an infringing manner. In particular,
22 Defendant's product literature, materials and instructional videos advertise and encourage
23 customers to use the accused product(s) for remote monitoring, which utilizes the devices described
24 by the '983 patent in a manner Defendant knows infringes the patent.

25 55. Information about and demonstration videos showing how to infringe the asserted
26 claims of the '983 patent are posted by Defendant on its website(s) at <https://arlo.com>, on its
27 Facebook page located at <https://www.facebook.com/arlosmarthome/>, its YouTube page located at
28 <https://www.youtube.com/user/ArloSmartHome>, <https://twitter.com/ArloSmartHome>, and/or public

1 websites.

2 56. Defendant also provides operating manuals, user guides, instructional/informational
3 videos on its website that instruct customers and end-users on how to purchase the Defendant's
4 baby monitor/wireless camera systems and set them up so as to implement and perform the
5 infringing features of the '983 patent. Among other things, the Defendant provides informational
6 materials that lay out step-by-step instructions on how to set up an apparatus or system that
7 infringes the asserted claims of the Asserted Patents on its website(s) such as on website located at
8 <https://arlo.com>, where it provides user manuals, user forums, instructional videos, FAQs and
9 technical support. For example, such materials include instructions for, among other things,
10 installing and setting up audio/video sensors, activating and modifying template parameters, and
11 setting up user and "friend" authorizations.

12 57. Plaintiff believes and thereupon alleges that Defendant is aware that its customers
13 and end-users are using the Accused Products in an infringing manner based on, among other
14 things: 1) the discussions, questions, answers, and/or comments posted on its website, and/or other
15 other public websites where Defendant's authorized agents, customers and/or end-users discuss and
16 disclose the use of the Accused Products, a process which Defendant knows infringes upon patent;
17 and/or, 2) the fact that Defendant encourages its customers and end-users to use the Accused
18 Products in an infringing manner as set forth herein.

19 58. Plaintiff is without an adequate remedy at law and has thus been irreparably harmed
20 by these acts of infringement. Plaintiff asserts upon information and belief that infringement of the
21 asserted claims of the '983 patent is continuous and ongoing unless and until Defendant is enjoined
22 from further infringement by the court.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff prays for relief and judgment as follows:

- 25 1. That Defendant has infringed the Patents-in-Suit;
- 26 2. Compensation for all damages caused by Defendant's infringement of the Patents-in-
- 27 Suit to be determined at trial;
- 28 3. A finding that this case is exceptional and an award of reasonable attorneys fees

1 pursuant to 35 U.S.C. § 285;

2 4. Granting Plaintiff pre-and post-judgment interest on its damages, together with all
3 costs and expenses; and,

4 5. Awarding such other relief as this Court may deem just and proper.

5 HANDAL & ASSOCIATES

6 Dated: September 12, 2016

7 By: /s/ Gabriel G. Hedrick

8 Gabriel G. Hedrick

9 Lauren G. Kane

10 Anton N. Handal

11 Attorneys for Plaintiff

12 e.Digital Corporation

13 **DEMAND FOR JURY TRIAL**

14 Plaintiff hereby demands a trial by jury on all claims.

15 HANDAL & ASSOCIATES

16 Dated: September 12, 2016

17 By: /s/ Gabriel G. Hedrick

18 Gabriel G. Hedrick

19 Lauren G. Kane

20 Anton N. Handal

21 Attorneys for Plaintiff

22 e.Digital Corporation