

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HAWK TECHNOLOGY SYSTEMS, LLC,

Plaintiff,

v.

GALLERIA MALL INVESTORS LP,

Defendant.

Case No. 3:15-cv-2972

PATENT CASE

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Hawk Technology Systems, LLC brings this action for patent infringement against Defendant Galleria Mall Investors LP and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for infringement of United States Patent No. RE43,462 (the “Patent-in-Suit”) under 35 U.S.C. §§ 271.

PARTIES

2. Hawk Technology Systems, LLC (“Hawk”) is a limited liability company organized and existing under the laws of the State of Florida and maintains its principal place of business at 2 South Biscayne Blvd., Suite 3800, Miami, FL 33131.

3. Defendant Galleria Mall Investors LP (“GMI”) is a limited partnership organized and existing under the laws of Delaware with principal places of business at 13350 Dallas Parkway, Dallas, Texas 75240 and 10 State House Square, 15th Floor, Hartford CT 06103. GMI’s registered agent in Texas is Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

4. GMI owns a preeminent shopping mall in this District encompassing over 1.4 million square feet of consumer retail space, which is where GMI's infringing activity occurred.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338 because Hawk asserts claims for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b) because GMI has committed acts of infringement in the United States including use within this District. Thus, GMI is deemed to reside in this District for purposes of this action.

7. This Court has personal jurisdiction over GMI and venue is proper in this district because GMI has committed acts of infringement in and directed toward the State of Texas, including in this District and has engaged in continuous and systematic activities in the State of Texas, including in this District.

BACKGROUND

8. Hawk was formed in 2012 to commercialize the inventions of its founder, Barry Schwab.

9. Mr. Ken Washino and Mr. Schwab invented United States Patent No. RE43,462 entitled "Video Monitoring and Conferencing System" (the "'462 Patent"). The '462 Patent is a reissue of United States Patent No. 5,625,410 (the "'410 Patent"). The '462 Patent was duly and legally reissued on June 12, 2012, by the United States Patent and Trademark Office. A true and correct copy of the '462 Patent is attached hereto as Exhibit A.

10. The independent claims and/or dependent claims in the '462 Patent are substantially identical to the corresponding claims of the '410 Patent.

11. Mr. Washino and Mr. Schwab have collaborated on a number of other pioneering inventions resulting in patents in the areas of video archiving, video downloading and digital cinema.

12. Mr. Schwab is also a named inventor on more than thirty patents, ranging from consumer products to secure network computing.

13. Hawk is the assignee and owner of all rights, title, and interest in the '462 Patent and it has standing to bring this lawsuit for infringement of the '462 Patent.

COUNT ONE – INFRINGEMENT OF THE '462 PATENT

14. Each of the foregoing paragraphs is incorporated by reference.

15. Claim 12 of the '462 patent states:

The method of simultaneously displaying and storing multiple video images, comprising the steps of:

receiving video images at a personal computer based system from one or more sources;

digitizing any of the images not already in digital form using an analog-to-digital converter;

displaying at least certain of the digitized images in separate windows on a personal computer based display device, using a first set of temporal and spatial parameters associated with each image in each window;

converting one or more of the video source images into a data storage format using a second set of temporal and spatial parameters associated with each image; and simultaneously storing the converted images in a storage device.

('462 Patent, Col. 11, line 62 – Col. 12, line 10).

16. Hawk is the owner by assignment of the '462 Patent, with sole rights to enforce the '462 Patent and to sue infringers.

17. GMI has directly infringed, either literally or under the doctrine of equivalents, at least claim 12 of the '462 patent by using its method of simultaneously displaying and storing

multiple video images as part of its Salient Systems security system in this judicial district without authority or license from Hawk.

18. GMI is not and has never been licensed to use the '462 patent.

19. As a result of GMI's infringement of the '462 Patent, Hawk has suffered damages, in an amount not yet determined, of at least a reasonable royalty by GMI's infringement up to April 29, 2014.

PRAYER FOR RELIEF

WHEREFORE, Hawk requests the following relief:

(a) a declaration that GMI infringed the '462 Patent in violation of 35 U.S.C. § 271, and a final judgment incorporating the same;

(b) an award of damages sufficient to compensate Hawk for infringement of the '462 patent by GMI, together with prejudgment and post-judgment interest under 35 U.S.C. § 284;

(c) an accounting for damages; and

(d) such other relief as deemed just and proper by the Court.

JURY TRIAL DEMAND

Hawk demands a trial by jury on all issues so triable.

Dated: September 11, 2015

Respectfully submitted,

/s/ David A. Bailey

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