

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

Portus Singapore Pte Ltd and  
Portus Pty Ltd,

*Plaintiff,*

v.

Legrand North America, LLC, and  
Legrand SA d/b/a Legrand.

*Defendant.*

CASE NO. 6:22-cv-546

Jury Trial Demanded

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Portus Singapore Pte Ltd and Portus Pty Ltd (“Plaintiffs”) file this complaint for patent infringement against Defendants Legrand North America, LLC and Legrand SA d/b/a Legrand (“Defendants”) and in support alleges as follows:

**NATURE OF THE ACTION**

1. This is a civil action arising under the Patent Laws of the United States, 35 U.S.C. § 271, *et seq.*

**THE PARTIES**

2. Plaintiff Portus Singapore Pte Ltd is a company organized under the laws of the Republic of Singapore.

3. Plaintiff Portus Pty Ltd is a subsidiary of Portus Singapore Pte Ltd., and a company organized under the laws of Australia.

4. Legrand SA d/b/a Legrand is a societe anonyme duly organized and existing under the laws of France having a place of business at 128, avenue du Marechal de Lattre de Tassigny, 87000 Limoges, France.

5. Legrand North America, LLC is a company duly organized and existing under the laws of Delaware. Legrand North America, LLC may be served through its registered agent The Corporation Trust Company at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801.

6. The Defendants (collectively, “Legrand”) lead and are a part of an interrelated group of companies which together comprise one of the world’s largest manufacturers and sellers of smart home products, including under the Legrand and Netatmo brands.

7. The Legrand defendants named above and their affiliates are part of the same corporate structure and distribution chain for the making, importing, offering to sell, selling, and using of the accused devices in the United States, including in the State of Texas generally and this judicial district in particular.

8. The Legrand defendants named above and their affiliates share the same management, common ownership, advertising platforms, facilities, distribution chains and platforms, and accused product lines and products involving related technologies.

9. The Legrand defendants named above and their affiliates regularly contract with customers regarding equipment or services that will be provided by their affiliates on their behalf.

10. The Legrand defendants offer their products, including those accused herein of infringement, to customers and/or potential customers located in Texas and the Western District of Texas.

11. Thus, the Legrand defendants named above and their affiliates operate as a unitary business venture and are jointly and severally liable for the acts of patent infringement alleged herein.

**JURISDICTION AND VENUE**

12. This Court has jurisdiction over the subject matter of this action asserted herein under the Patent Laws of the United States, United States Code, Title 35. This is an action for patent infringement that arises under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*

13. This Court has original subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

14. This Court has personal jurisdiction over Defendants. Defendants have sustained and systematic activities in this District and is committing infringing acts in Texas and this District. Defendants regularly conduct business in the State of Texas and within this District, including the sales of the accused products that are the subject of this patent infringement lawsuit. Upon information and belief, Defendants have employees in this District who are responsible for the accused products. Defendants engage in other persistent courses of conduct and derives substantial revenue from products and/or services provided in this District and in Texas, and has purposefully established substantial, systematic, and continuous contacts within this District and should reasonably expect to be sued in a court in this District. For example, upon information and belief, Legrand conducts business operations within the Western District of Texas in its facilities at 2000 East Wyoming Avenue, Suite C, El Paso, Texas 79903. Thus, Defendants are subject to this Court's jurisdiction.

15. Venue is proper as to Legrand SA d/b/a Legrand, which is organized under the laws of France. 28 U.S.C. § 1391(c)(3) provides that "a Defendant not resident in the States may be sued in any judicial district, and the joinder of such a Defendant shall be disregarded in determining where the action may be brought with respect to other defendants."

16. Venue is proper in this district as to Legrand North America, LLC pursuant to 28 U.S.C. § 1400(b).

17. Infringement is occurring within the State of Texas and this District through Defendants' distribution and sales of "smart" devices under, for example, the Netatmo brand, as well as Power management devices and other smart home devices sold under other brands, including Legrand (the "Accused Products," which are further defined below).

18. Venue is further proper because Defendants have placed the Accused Products into the stream of commerce knowing or understanding that such products would be used in the United States, including in the Western District of Texas. Defendants have manufactured, distributed, sold, and/or offered to sell the Accused Products to customers for use throughout this District.

19. This Court has personal jurisdiction over Defendants at least because Defendants have made, used, offered to sell and sold the accused products within the District thus committing acts of infringement within the District, and placed infringing products into the stream of commerce knowing or understanding that such products would be used in the United States, including in the Western District of Texas.

### **FACTUAL BACKGROUND**

#### **Plaintiff Portus**

20. Portus is the original creator of the smart home. Portus pioneered the technology for viewing your home when you are away, as well as understanding and managing household energy use, so its users could live in more enjoyable, affordable homes.

21. With Portus' patented technology, users have the freedom to monitor and control their home from anywhere.

22. With Portus' patented technology, Portus enables a home to be safer and more efficient through a connected environment.

23. As well as helping households, Portus facilitated utilities by providing insight into their customers' energy use. The understanding of consumers' energy demands the technology gives is invaluable to a household's or company's planning capacity and carbon constraints.

24. Further, Portus' technology facilitates utilities' demand management by providing insight into their customers' energy use. The understanding of consumers' energy demands the technology gives is invaluable to companies' planning capacity and carbon constraints.

25. Initially founded in Australia, Portus moved to Singapore after winning equity funding through an investment arm of the Singapore government.

26. Portus Singapore Pte Ltd. is the owner by assignment from the inventors, Charles Cameron Lindquist and Timothy John Lindquist, of all right, title, and interest in and to Portus is the owner, by assignment, of the two patents-in-suit: U.S. Patent Nos. 8,914,526 (the '526 Patent) attached as Exhibit A; and 9,961,097 (the '097 Patent) attached as Exhibit B.

27. Portus Pty Ltd. is the exclusive licensee of the '526 and '097 Patents.

28. Tim Lindquist, one of the Portus founders, is one of the inventors of the asserted patents and is recognized as an inventor of the Connected Home. Tim was proclaimed as a pioneer of the Smart Grid by Smart Grid Today.

### **The '526 Patent**

29. Portus Singapore Pte Ltd. is the owner by assignment from the inventors, Charles Cameron Lindquist and Timothy John Lindquist, of all right, title, and interest in and to United States Patent Number 8,914,526 (the "'526 Patent"), titled "Local and Remote Monitoring Using a Standard Web Browser" including the right to sue for all past infringement.

30. Portus Pty Ltd. is the exclusive licensee of the '526 Patent.

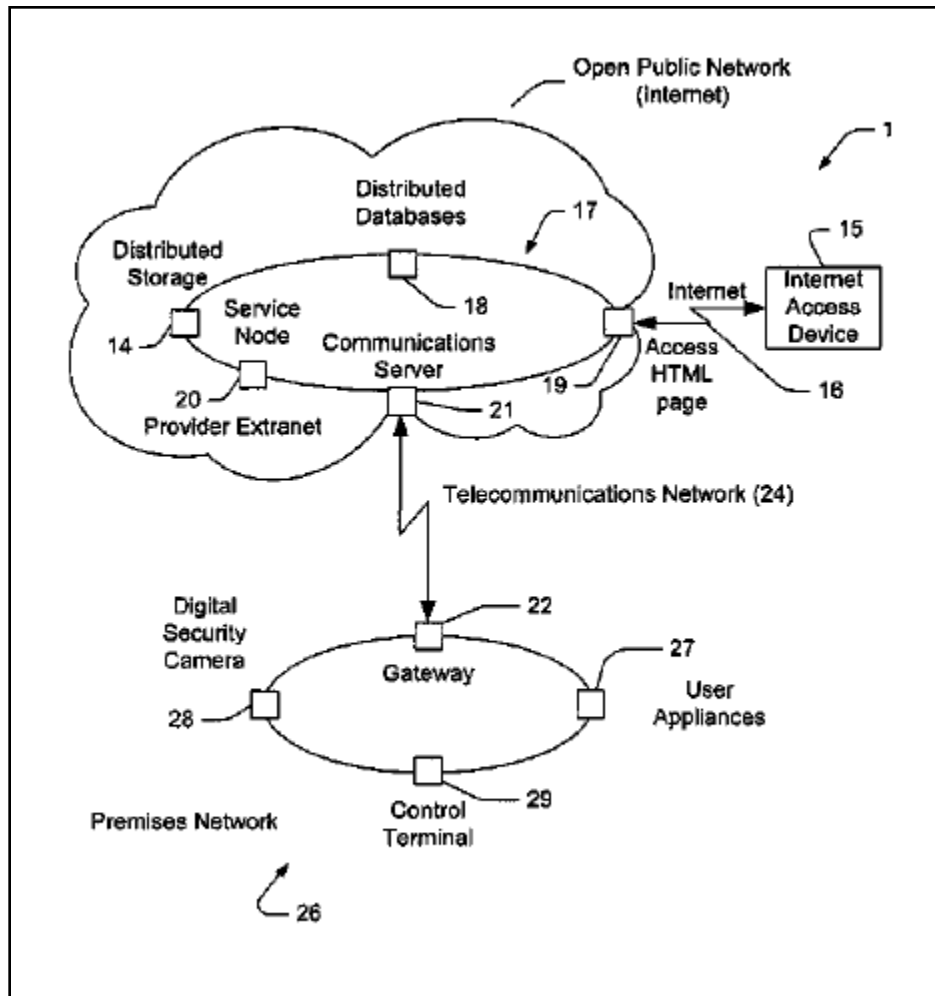
31. Attached to this Complaint as Exhibit A is a true and correct copy of the '526 Patent.

32. The '526 Patent issued from United States Patent and Trademark Office application no. 09/868,417, which was based on a PCT application no. 99/01128, which was filed on December 17, 1999. That PCT application was based on Australian patent application (PP 7764) filed on December 17, 1998.

33. The Patent Office issued the '526 Patent on December 16, 2014, after a full and fair examination.

34. The '526 Patent is valid and enforceable.

35. The '526 Patent abstract describes a home security and control system for monitoring and controlling an external environment such as a home environment comprising: an Internet browser connectable to an external network, which includes but is not limited to an extranet; an external network located external to the home environment and accessible via the Internet browser; a communications server located in the external network and adapted to interconnect on demand with one of a series of connection gateways located in predetermined home environments; and a connection gateway located in the home environment adapted to control and/or monitor the operation of at least one security device in the home environment; wherein upon accessing a predetermined address by the Internet browser on the external network, the communications server connects to a predetermined one of the connection gateways to control and/or monitor the operation of the security device.



36. The inventors of the '526 Patent, recognized that home automation and security systems had become more advanced and that the “[u]sers often have a common need to control and monitor such systems both locally and remotely.” ’526 Patent at 1:35-36. However, despite the growing complexity of these systems, users “generally must resort to non-visual monitoring and control mechanisms for remote operation [such as] by telephone through codes entered via a telephone handset.” *Id.* at 1:38-41.

37. The '526 Patent provides several advantages over the prior art such as: a) allowing remote control of a home security system through operation of a website rather than through the cumbersome automated systems and choices provided via telephone; b) providing a geographically independent standard interface for remote connection to a home security system that is universally accessible and not platform or hardware dependent.

38. A person of ordinary skill in the art at the time of the invention would have recognized that the steps (and combination of steps) claimed in the '526 Patent were, at the time of invention, unconventional and describe remote monitoring of home security and automation systems in a way that, at the time of the invention, was not routine.

39. A person of ordinary skill in the art at the time of the invention would have understood that, at the time of the invention, there was no conventional manner in which to use a web browser remotely to monitor and control home automation and security systems. A skilled artisan, at the time of the invention, would have recognized the problem that such remote monitoring at the time of the invention could only be accomplished via cumbersome telephone-based input and automation systems.

40. The '526 Patent provides technical solutions to this problem not solved in the prior art. The inventions disclosed in the '526 patent achieves that “when a customer connects to their home, their home effectively appears to them as a website, with all devices, security and otherwise, accessible for monitoring and control.” '526 Patent at 2:49-52.

41. A person skilled in the art at the time of the invention would have understood that the system of using an Internet browser; an external network external to the user premises and accessible via the Internet browser; a plurality of connection gateways that are part of the home network; and a communications server located in the external network and adapted to communicate on-demand with the connection gateways was not, at the time of the invention, conventional, well-understood, nor routine.

42. A person of ordinary skill in the art at the time of the invention would have understood that the system described in claim 57 of the '526 Patent was not, at the time of the invention, conventional, well-understood, or routine.



43. A person skilled in the art at the time of the invention would have understood that the claims recite steps and structural limitations operating in an unconventional manner to achieve an improved operation of home security and automation.

44. These technological improvements provide greater cost savings and efficiencies in allowing remote monitoring of a home security and automation systems through a web browser.

45. The novel use and arrangement of the specific system recited in the '526 claims were not well-understood, routine, nor conventional to a person skilled in the relevant field at the time of the inventions.

### **The '097 Patent**

46. Portus Singapore Pte Ltd. is the owner by assignment from the inventors, Charles Cameron Lindquist and Timothy John Lindquist, of all right, title, and interest in and to United States Patent Number 9,961,097 (the "'097 Patent"), titled "System for Remote Access of a User Premises" including the right to sue for all past infringement.

47. Portus Pty Ltd. is the exclusive licensee of the '097 Patent.

48. Exhibit B is a true and correct copy of the '097 Patent.

49. The '097 Patent issued from application no. 14/536,784 filed on November 10, 2014.

50. The Patent Office issued the '097 Patent on May 1, 2018, after a full and fair examination.

51. The '097 Patent is valid and enforceable.

52. The '097 Patent provides several advantages over the prior art such as: a) allowing remote control of a home security system through operation of a website rather than through the cumbersome automated systems and choices provided via telephone; b) providing a geographically independent standard interface for remote connection to a home security system that is universally accessible and not platform or hardware dependent.

53. A person of ordinary skill in the art at the time of the invention would have recognized that the steps (and combination of steps) claimed in the '097 Patent were, at the time of invention, unconventional and describe remote monitoring of home security and automation systems in a way that, at the time of the invention, was not routine.

54. A person of ordinary skill in the art at the time of the invention would have understood that, at the time of the invention, there was no conventional manner in which to use a web browser remotely to monitor and control home automation and security systems. A skilled artisan, at the time of the invention, would have recognized the problem that such remote monitoring at the time of the invention could only be accomplished via cumbersome telephone-based input and automation systems.

55. The '097 Patent provides technical solutions to this problem not solved in the prior art. By using a web browser so that “when a customer connects to their home, their home effectively appears to them as a website, with all devices, security and otherwise, accessible for monitoring and control.” '097 Patent at 2:64-67.

56. A person skilled in the art at the time of the invention would have understood that the system of using an Internet browser; an external network external to the user premises and accessible via the Internet browser; a plurality of connection gateways that are part of the home network; and a communications server located in the external network and adapted to communicate on-demand with the connection gateways was not, at the time of the invention, conventional, well-understood, nor routine.

57. A person of ordinary skill in the art at the time of the invention would have understood that the system described in claim 1 of the '097 Patent was not, at the time of the invention, conventional, well-understood, or routine.

58. A person skilled in the art at the time of the invention would have understood that the claims recite steps and structural limitations operating in an unconventional manner to achieve an improved operation of home security and automation.

59. These technological improvements provide greater cost savings and efficiencies in allowing remote monitoring of a home security and automation systems through a web browser.

60. The novel use and arrangement of the specific system recited in the '097 claims were not well-understood, routine, nor conventional to a person skilled in the relevant field at the time of the inventions.

### **Defendants' Infringing Products**

61. Legrand is a French conglomerate founded in 1904 which controls nearly 20% of the global market of switches and sockets.

62. Netatmo was founded in 2011 as a smart home company focusing on the development of various connected consumer electronics devices.

63. Netatmo was acquired by its corporate parent Legrand France SA ("Legrand") in 2018.

64. Legrand does business in North America through its subsidiary, Legrand North America, LLC.

65. Legrand provides smart home solutions through at least the Netatmo brand with products such as a series of smart cameras, indoor sirens, door and window sensors, and indoor air quality monitors that were marketed as the Welcome Products, which are some of the Accused Products. Netatmo also provides a Weather product that includes a smart home weather station, anemometer, and rain gauge, which are also Accused Products. The Accused Products under the Netatmo brand include the Smart Indoor Camera, Smart Video Doorbell, Smart Outdoor Camera with Siren, Smart Weather Station, Smart Rain Gauge, Smart Anemometer, Smart Alarm System

with Camera, Smart Indoor Siren, Smart Door and Window Sensors, and Smart Indoor Air Quality Monitor.

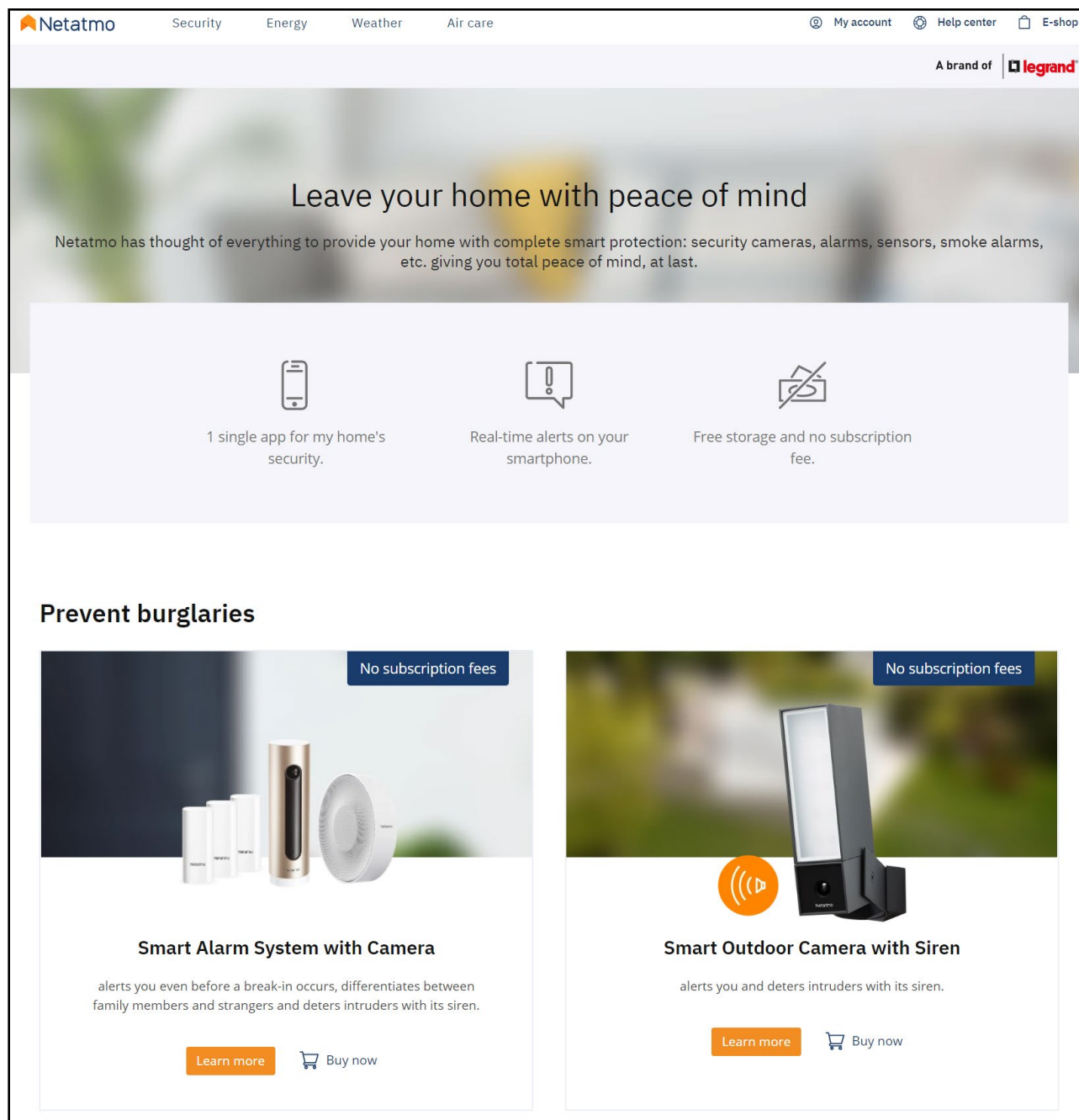
66. Legrand further provides other smart home solutions that are also Accused Products under the Legrand Brand including In-Wall Remote RF Switches and the RF Lighting Control Mobile app, RFLC Event Controller, the Qmotion App and QZHub3 gateway and other motorized shades for blind control, Intuity Kit with Z-Wave and RFLC Bridge, and other smart home devices.

67. Other Accused Products sold by Legrand include the Vaddio ConferenceSHOT camera series, RoboSHOT camera series, EasyIP camera series, and PrimeSHOT camera series.

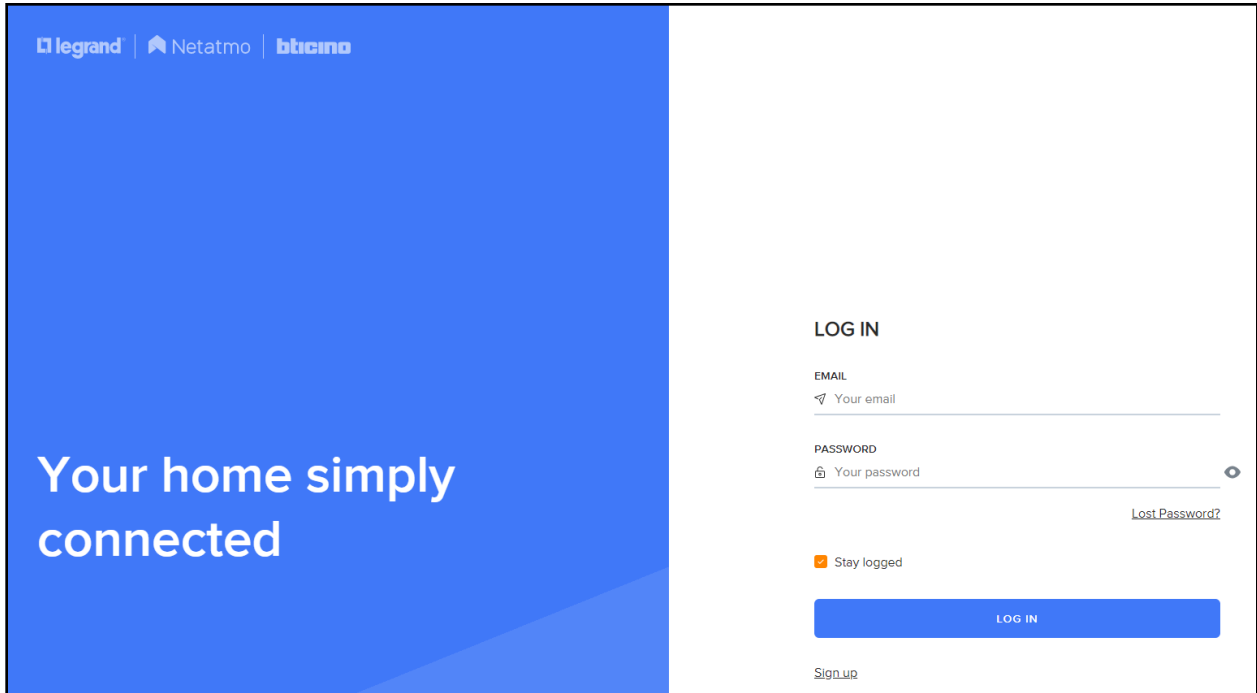
68. Legrand also offers intelligent power management products that are Accused Products, including at least the Vertical ZeroU Network Switched PDU, Horizontal Rackmount Network Switched PDU, Horizontal Rackmount Network Metered PDU, Vertical ZeroU Network Metered PDU, Select Series PDU with RackLink, and Premium+ Series PDU with RackLink.

69. The Accused Products are sold in combination with various other devices and include various model and series number—each of those variations is an Accused Product. The Accused Products also include functionality whereby the Defendants are able to access and process the personal data of its users—users are required to agree to provide this information for the benefit of the Defendants in order to use the Accused Products.

70. By means of further illustration, the Netatmo Accused Products are shown and described below.



71. The Netatmo System provides an internet web portal and smartphone applications for monitoring home security and automation systems such as through <https://auth.netatmo.com/en-us/access/login> and the Netatmo Welcome smartphone application (collectively, the “Netatmo System Apps”).



<https://auth.netatmo.com/en-us/access/login>

**Home + Security**  
Legrand - Netatmo - Bticino Lifestyle ★★★★☆ 7,445

**E** Everyone

*i* This app is available for your device

You can share this with your family. [Learn more about Family Library](#)

Add to wishlist **Install**

**Netatmo**  
Leave your home with peace of mind  
Smart security solutions

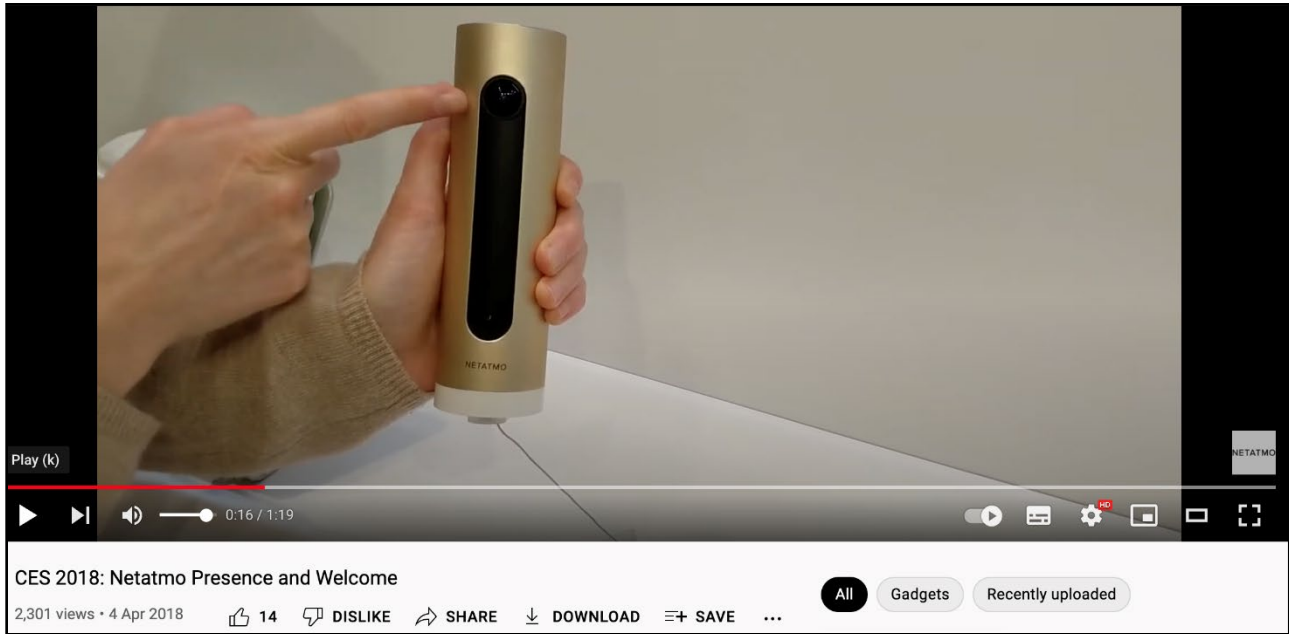
Free video storage  
No subscription fees

1 single App to secure my home

Receive alerts in real time and access to past events

[https://play.google.com/store/apps/details?id=com.netatmo.camera&hl=en\\_US&gl=US](https://play.google.com/store/apps/details?id=com.netatmo.camera&hl=en_US&gl=US)

72. Netatmo provided promotional and instructional videos promoting the Accused Products online on websites such as youtube.com.



<https://www.youtube.com/watch?v=vglDkeYSIjM>



<https://www.youtube.com/watch?v=2lm8F7fSf0k>

73. The Netatmo System includes Netatmo servers that form a network (first network) located external to a user's premises (home) and is accessible via an Internet browser (referred to as "Netatmo External Network"). The Netatmo External Network includes a plurality of



communications servers with hardware processing circuitry (second hardware processing circuitry) (referred to interchangeably as “Netatmo Communication Servers” or “Netatmo Servers”).

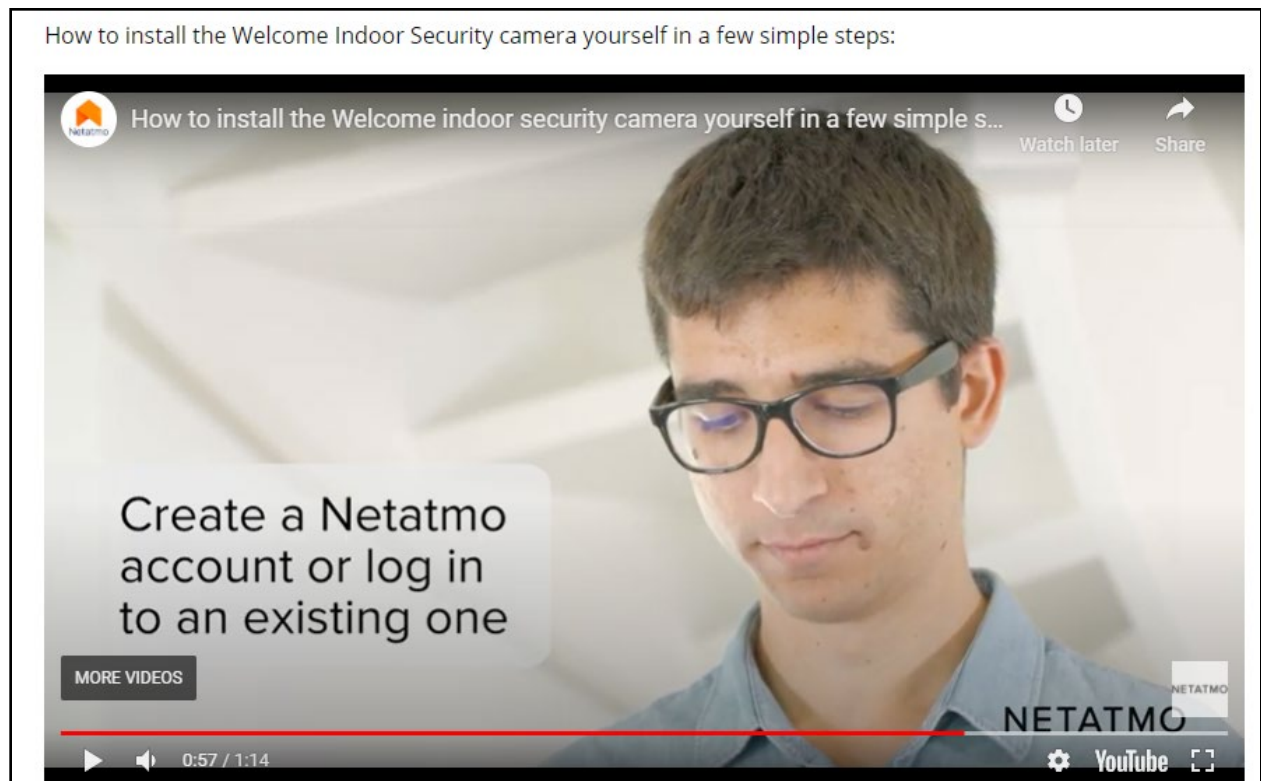
74. The Netatmo System includes a plurality of devices, such as the Smart Indoor Camera, Smart Indoor Siren, Smart Door and Window Sensors, Smart Home Weather Station, Anemometer and Rain Gauge, some of which, like the Smart Indoor Camera, also serve as “Connection Gateways”. The Netatmo Connection Gateways, in normal operation are located in a user (home/office) premises and are part of a local (home/office) network in such premises (referred to as “Netatmo Home Network”). The Netatmo Servers are configured to connect to the Netatmo Connection Gateways.

Specifications netatmo smart indoor Camera	
<p><b>Size</b></p> <p>45x45x155 mm / 1.8x1.8x6 inches</p>	<p><b>In the box</b></p> <p>One Smart Indoor Camera One USB cable One power adapter One 8GB micro SD card</p>
<p><b>Mechanics &amp; design</b></p> <p>Single piece of durable aluminum shell.</p>	<p><b>Hardware requirements</b></p> <p>High-speed Internet connection needed (minimum upload/download speed connection required is 25 KB/s). Public hotspots not supported.</p>
<p><b>Camera</b></p> <p>Video sensor: 4MP Resolution: Up to 1920x1080</p>	<p><b>Iphone and ipad compatibility</b></p> <p>iOS 10 minimum required.</p>
<p><b>Connectivity specifications</b></p> <p>Ethernet RJ-45 port: 10/100 Mbps Wireless: Wi-Fi 802.11 b/g/n (2.4GHz)</p>	<p><b>Android compatibility</b></p> <p>Android 5.0 minimum required.</p>
<p><b>Free app</b></p> <p>No subscription fee. App available on the App Store / Google Play Free access to your camera online.</p>	<p><b>Browser support</b></p> <p>Webapp available for the two latest versions of: Chrome, Safari, Firefox, Internet Explorer.</p>
<p><b>Data storage</b></p> <p>MicroSD card up to 32GB (8GB class 10 MicroSD card included)</p>	<p><b>Regulatory statements</b></p> <p><a href="#">Declaration of Conformity &amp; FCC Statements</a> <a href="#">Used Libraries</a></p>

<https://www.netatmo.com/en-us/security/cam-indoor/specifications>

75. The Netatmo Servers are adapted to interconnect on-demand with the Netatmo Connection Gateways and are accessible via the Netatmo System Apps.

76. When a Netatmo System App is used to access the Netatmo External Network to monitor or control devices in the Netatmo Home Network, authorization data is provided by the Netatmo System App.



<https://www.netatmo.com/en-us/start/welcome>

77. On information and belief, each of the Accused Products offered, sold, and made by Legrand operates similarly to the Netatmo Accused Products.

**COUNT I – DIRECT PATENT INFRINGEMENT OF THE '526 Patent**

78. Portus re-alleges the foregoing paragraphs as if fully set forth herein.

79. Defendants' infringing Accused Products other remote security and automation control systems with the same or similar features and functionality that satisfy each element of one or more asserted claims.

80. Defendants have directly infringed the '526 Patent in violation of 35 U.S.C. § 271(a) by one or more of the following: (1) making the Accused Products which embody the patented inventions of at least claim 57 of the '526 Patent, by combining all elements of the Accused Products as described above, in a manner that meets each limitation of at least claim 57 of the '526 Patent; and (2) putting into service and by operating the Accused Products when all elements of such system are combined as described above, thus meeting each limitation of at least claim 57 of the '526 Patent.

81. The Accused Products satisfy various elements of the claims of the '526 Patent, including certain devices that are Connection Gateways or networked components of the respective home network, or both.

82. For example, through the Netatmo Accused Products, Defendants infringe claim 57 of the '526 Patent. The Netatmo Accused Products form a system for remote access of user premises networks in respective user premises, the system comprising:

- a. a first network (a) located external to said user premises (e.g., *the Netatmo External Network, which is located external to the user premises*), (b) including a first arrangement of processing circuitry comprising at least one hardware processor programmed to control network access (e.g., *the Netatmo Servers have processors programmed to control network access through a username and password*), and (c) including a hardware user access browser device that comprises a processor running an access browser (e.g., *Netatmo has a user interface accessible by a user through the Netatmo System Apps*); and
- b. a plurality of second arrangements of processing circuitry each comprising at least one hardware processor programmed to control network access, each of at least a subset of which is located in a respective one of the user premises and part of the respective user premises network of the respective user premises (e.g., *the Netatmo System includes a plurality of connection gateways, such as at least the Smart Indoor Camera*);
- c. wherein:
- d. said first circuitry arrangement is adapted by its programming to initiate an establishment of network connections to said second circuitry arrangements (e.g., *the Netatmo Servers are configured to connect to the Netatmo Connection Gateways*);
- e. the user access browser located on the first network is usable, by input of Uniform Resource Locators (URL), for locating and examining information on said first network and said user premises networks (e.g., *the Netatmo System is configured to be responsive to the input of a URL, when the Netatmo External Network and an Netatmo Server are accessed as a result of the input of the URL at the Netatmo System Apps, the Netatmo Server provides Netatmo System Apps information like images or videos*);
- f. each of the at least the subset of second circuitry arrangements is accessible by the first circuitry arrangement (e.g., *the Netatmo Servers are configured to connect to the Netatmo Connection Gateways*);
- g. responsive to user-input of a URL in accordance with which said user access browser accesses a predetermined location on said first network to which address the URL corresponds, said first circuitry arrangement subsequently, by execution of its programming (e.g., *the Netatmo System is configured to be responsive to the input of a URL, at the Netatmo System Apps, to access an address on the Netatmo External Network, such that the Netatmo System Apps provide authorization data*):

- h. determines which one of said user premises networks in which one of said second circuitry arrangements is located authorization data indicates authority to at least one of monitor and control (e.g., *when a Netatmo System App is used to access the Netatmo External Network to monitor or control devices in the Netatmo Home Network, authorization data is provided by the Netatmo System App*): and
- i. initiates an establishment of a network connection to said one of said second circuitry arrangements to create a new communications session for a temporary interconnection between said first network and said determined one of said user premises networks to at least one of control and monitor operation of at least one of the one or more devices of said user premises network, by which communications session the first network (e.g., *the Netatmo Server creates a new communications session between itself and the Netatmo Connection Gateway in a user's home network that was determined to be indicated by the authorization data. In normal operation of the Netatmo System, the new communications session is used to at least monitor or control at least one service or networked component in user's home network*):
- j. obtains information contained within the user premises network from the second circuitry arrangement of the determined user premises network (e.g., *after the new communications session is created, the Netatmo External Network obtains/receives information contained within the determined a user's home network from the Netatmo Connection Gateway (for example, from one of the networked components)*); and
- k. using a web server, serves to the user access browser the information from the second circuitry arrangement of the determined user premises network (e.g., *the system provides such information to the Netatmo System Apps*);
- l. the communications session provides a seamless access to information stored on said determined one of said user premises networks from said user access browser (e.g., *the system stores such information from the Netatmo System Apps for subsequent review by a user without requiring the user to provide the authentication data*); and
- m. the at least one of control and monitoring of the at least one device using the first circuitry arrangement is possible only by interaction with information served by said one of said second circuitry arrangements (e.g., *the Netatmo devices may only be remotely controlled and monitored by providing information from the device to the Netatmo External Network*).

83. Defendants' other Accused Products infringe based on similar functionality as the Netatmo Accused Products.

84. Defendants condition use of the remote access features of the Accused Products and its customers' receipt of a benefit upon performance of the limitations of the asserted claims in the Asserted Patents, and Defendants establish the manner or timing of that performance. Defendants require that a user agree to terms and conditions that allow Defendants to track content, use, and

performance information of user and the Accused Products. For example, users must agree to allow Legrand to access their personal data: “We inform you that NETATMO accesses and processes the following Personal Data: unique ID of cookie, IP address, information about the equipment (making, brand and unique ID of equipment, physical location of the device at the time of crash etc.). . . . We use Firebase (Google) for the collection of statistical data that allows Us to know the interactions of the users on Our mobile applications and to understand how users use Our products and services. . . . We inform you that NETATMO accesses and processes the following Personal Data: unique identifier of the cookie, IP address, information on the material and the activities carried out (dates of the first and last visit of the user / duration of the visit / hours of arrival and departure etc.)” This is available at: <https://view.netatmo.com/us/legals/app?gsc=true&goto=terms>.

85. The Accused Products, when combined and used as described above, satisfy each and every element of each asserted claim of the '526 Patent either literally or under the doctrine of equivalents.

86. Defendants' infringing activities are and have been without authority or license under the '526 Patent.

87. The preceding discussion of claim 57 in the '526 Patent serves as an example only. The Accused Product infringes other claims in the '526 Patent upon same or similar grounds. Portus reserves its right to identify additional claims and additional infringing products as supported by discovery in the case.

88. As a result of Defendants' unlawful infringement of the '526 Patent, Portus has suffered and will continue to suffer damage. Portus is entitled to recover from Defendants the damages suffered by Portus as a result of Defendants' unlawful acts of infringement.

89. On information and belief and at a minimum, Defendants have been aware of their infringement of '526 Patent since 2016 when they were contacted by a representative of the Plaintiffs.

90. Given Defendants' prior knowledge of the '526 Patent and their own infringement of the same, Defendants have induced their users' and contributed to their users' direct infringement of one or more claims of the '526 Patent through the Defendants' advertisements, instructions, advice, and guidance as provided by user manuals and instructions, the Defendants' websites, and Defendants' support and help services.

91. Moreover, Defendants' infringement has been willful and egregious. Because of Defendants' willful and egregious infringement, Portus is entitled to enhanced damages, in the form of treble damages, under 35 U.S.C. § 284.

92. To the extent Defendants did not learn of the '526 Patent and their infringement before the filing of this complaint by virtue of its monitoring of prior art and published patents and communications from Portus and its agents, Defendants were willfully blind to their infringement of the '526 Patent.

93. Furthermore, because Defendants' infringement of the '526 Patent is willful, this action is "exceptional" within the meaning of 35 U.S.C. § 285, entitling Portus to its attorneys' fees and expenses.

## **COUNT II – DIRECT PATENT INFRINGEMENT OF THE '097 PATENT**

94. Plaintiffs reallege and incorporate by reference the allegations set forth above, as if set forth verbatim herein.

95. Defendants' infringing Accused Products and other remote security and automation control systems with the same or similar features and functionality that satisfy each element of one or more asserted claims.

96. Defendants has directly infringed the '526 Patent in violation of 35 U.S.C. § 271(a) by one or more of the following: (1) making the Accused Products which embody the patented inventions of at least claim 1 of the '097 Patent, by combining all elements of the Accused Products

as described above, in a manner that meets each limitation of at least claim 1 of the '097 Patent; and (2) putting into service and by operating the Accused Products when all elements of such system are combined as described above, thus meeting each limitation of at least claim 1 of the '097 Patent.

97. For example, through the Netatmo Accused Products, Defendants infringe claim 1 of the '097 Patent. The Netatmo Accused Products form a system for remote access of a user premises comprising:

- a. a first hardware processing circuitry running an access browser module (*e.g., the Accused Products utilizes an access browser hardware device including a processor to access the internet through the Netatmo System Apps*);
- b. a second hardware processing circuitry located in a first network (*e.g., the Accused Products include a second processor in the Netatmo External Network that is located external to the user premises*); and
- c. a connection gateway that is located in, and is part of a local network of, the user premises (*the Accused Products include a plurality of connection gateways (e.g., Netatmo connection gateways, such as the Smart Indoor Camera) each comprising at least one hardware processor and each of at least a subset of which is located in a respective one of the user premises and is part of the respective home network of the respective user (e.g., connected to the home network via Ethernet)*);
- d. wherein:
  - e. the second hardware processing circuitry is external to the user premises, is accessible via the access browser module, and is configured to communicate on-demand with the connection gateway (*e.g., the Accused Product includes a communications server (e.g., Netatmo Servers) comprising at least one hardware processor and located in said external network and adapted to interconnect on-demand with said connection gateways (e.g., users are able to access their devices through the Netatmo System Apps)*);
  - f. the connection gateway is integrated with or communicatively coupled to one or more networked components of the local network of the user premises (*e.g., the connection gateways are accessible by the external network and are integrated with networked components (e.g., a user's Netatmo devices) of the respective home network*); and
  - g. the system is configured such that user-input of a Uniform Resource Locator (URL), in accordance with which the first hardware processing circuitry, using the access browser module, accesses an address on the first network, begins a sequence in which the second hardware processing circuitry responsively serves to the first hardware processing circuitry, via the access browser module, information regarding at least one of the one or more networked components of the local network, which information the second hardware processing circuitry obtains from the connection gateway without a direct communicative coupling between the second hardware processing circuitry and the at

least one networked component of the local network (e.g., *the Defendants' web application is responsive to user-input of a Uniform Resource Locator (URL) (e.g., when accessing Netatmo System Apps through https://auth.netatmo.com/en-us/access/login and the Netatmo Security applications) in accordance with which said app accesses a predetermined address on said external network to which the URL corresponds, in which accessing said app provides information (e.g., videos) contained within the home network from the connection gateway of the determined home network and Netatmo's servers or external network are not directly communicatively coupleable to a user's Netatmo devices (e.g., certain Netatmo devices only communicate through connection gateways); in which accessing said app provides authorization data to the external network (e.g., a login and password)*);

- h. wherein the sequence includes the first hardware processing circuitry transmitting to the second hardware processing circuitry authentication data indicating authority to access the at least one networked component of the local network, the transmission of the authentication data being required for the serving of the information to the first hardware processing circuitry (e.g., *the connection gateways for the Accused Products require that the user first provide authentication data in which accessing said app provides authorization data to the external network to access the networked components*), and wherein:
  - i. the user premises is one of a plurality of user premises (e.g., *Defendants' Accused Products serve multiple users and multiple premises*);
  - j. the connection gateway is one of a plurality of connection gateways, each of which is located in, and is part of a respective local network of, a respective one of the plurality of user premises, and to each of which the second hardware processing circuitry is configured to connect (e.g., *Defendants' Accused Products serve multiple users and multiple premises, which each include at least one connection gateway located in and connects to a respective local network of the premises*); and
  - k. the sequence further including the second hardware processing circuitry determining which one of the local networks the authentication data indicates authority to access (e.g., *Defendants' server is configured to use the user's login credentials to determine which home network is the user's home network and is further configured to provide authorization data to allow the user to access devices in the user's home network*);
  - l. the sequence further including the second hardware processing circuitry establishing a new communication session between the first hardware processing circuitry and the connection gateway of the respective local network that the authentication data indicates authority to access upon verification of the authentication data (e.g., *Defendants' servers create a new communications session between the external network and one of the Netatmo Connection Gateways to monitor operation of the Netatmo devices contained within the home network, which is determined based on the authentication*); and
- m. wherein the second hardware processing circuitry receives, via the connection gateway, selected information from at least one of the networked components of the local network of the user premises, and stores the selected information in the first network for subsequent review by a user associated with the user premises, without requiring the user



to provide the authentication data (e.g., in the Accused Products, information from the Netatmo devices, such as video data, is stored in the first network, which may then be reviewed by a user associated with the user premises without requiring the user to provide the authentication data (e.g., a user in the first network may be automatically logged in to the Accused Products without having to subsequently enter their login information)); and

- n. wherein the authority to access the at least one networked component of the local network by transmitting the authentication data also provides authority to access and review the previously stored selected information in the first network via the access browser module (e.g., the Netatmo user app and Netatmo servers communicate such that authority is provided to access a Netatmo device in a local network and review the previously stored selected information via authentication data).

98. Defendants' other Accused Products infringe based on similar functionality as the Netatmo Accused Products.

99. Defendants condition use of the remote access features of the Accused Products and its customers' receipt of a benefit upon performance of the limitations of the asserted claims in the Asserted Patents, and Defendants establish the manner or timing of that performance. Defendants require that a user agree to terms and conditions that allow Defendants to track content, use, and performance information of user and the Accused Products. For example, users must agree to allow Legrand to access their personal data: "We inform you that NETATMO accesses and processes the following Personal Data: unique ID of cookie, IP address, information about the equipment (making, brand and unique ID of equipment, physical location of the device at the time of crash etc.). . . . We use Firebase (Google) for the collection of statistical data that allows Us to know the interactions of the users on Our mobile applications and to understand how users use Our products and services. . . . We inform you that NETATMO accesses and processes the following Personal Data: unique identifier of the cookie, IP address, information on the material and the activities carried out (dates of the first and last visit of the user / duration of the visit / hours of arrival and departure etc.)." This is available at: <https://view.netatmo.com/us/legals/app?gsc=true&goto=terms>.

100. The Accused Products satisfy each and every element of each asserted claim of the '097 Patent either literally or under the doctrine of equivalents.

101. Defendants' infringing activities are and have been without authority or license under the '097 Patent.

102. The preceding discussion of claim 1 in the '097 Patent serves as an example only. The Accused Product infringes other claims in the '097 Patent upon same or similar grounds. Portus reserves its right to identify additional claims and additional infringing products as supported by discovery in the case.

103. As a result of Defendants' unlawful infringement of the '097 Patent, Portus has suffered and will continue to suffer damage. Portus is entitled to recover from Defendants the damages suffered by Portus as a result of Defendants' unlawful acts of infringement.

104. On information and belief and at a minimum, Defendants have been aware that the claims in the application that became the '097 Patent were allowed before the filing of this complaint.

105. On information and belief, given Defendants' prior knowledge of the '097 Patent and their own infringement of the same, Defendants have induced their users' and contributed to their users' direct infringement of one or more claims of the '097 Patent through the Defendants' advertisements, instructions, advice, and guidance as provided by user manuals and instructions, the Defendants' websites, and Defendants' support and help services.

106. Moreover, on information and belief, Defendants' infringement has been willful and egregious. Because of Defendants' willful and egregious infringement, Portus is entitled to enhanced damages, in the form of treble damages, under 35 U.S.C. § 284.

107. Because of Defendants' willful and egregious infringement, Portus is entitled to enhanced damages, in the form of treble damages, under 35 U.S.C. § 284.

108. To the extent Defendants did not learn of the '097 Patent and their infringement before the filing of this complaint by virtue of its monitoring of prior art and published patents and

communications from Portus and its agents, Defendants were willfully blind to their infringement of the '097 Patent.

109. Furthermore, because Defendants' infringement of the '097 Patent is willful, this action is "exceptional" within the meaning of 35 U.S.C. § 285, entitling Portus to its attorneys' fees and expenses.

**JURY DEMAND**

110. Portus hereby demands a trial by jury.

**PRAYER**

WHEREFORE, Portus prays for judgment in its favor and against Defendants as follows:

- a. A judgment that Defendants have infringed, either literally or under the doctrine of equivalents, one or more claims of the Asserted Patents;
- b. An award of damages adequate to compensate for the infringements, but in no event less than a reasonable royalty made for use of the inventions of the Asserted Patents, together with interest and costs as determined by the Court;
- c. An award of enhanced damages under 35 U.S.C. § 284, in the form of treble damages;
- d. An award of on-going royalties for any continuing or future infringement of the claims of the Asserted Patents;
- e. An award of Plaintiff's reasonable attorneys' fees, costs, and expenses pursuant to 35 U.S.C. §§ 284 and 285 or as otherwise permitted by law;
- f. Such other and further relief at law or in equity as the Court determines is just and proper.

Dated: May 27, 2022

CLAYTON, MCKAY & BAILEY, PC

By: /s/ Manoj S. Gandhi

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