

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

THROUGHTTEK CO., LTD.

Plaintiff,

v.

AMCREST TECHNOLOGIES, LLC,  
AMAZON.COM INC., EBAY INC.,  
HOME DEPOT USA INC., MICRO  
CENTER INC., TARGET CORPORATION,  
and WALMART INC.,

Defendants.

Civil Action No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

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**PLATINIFF’S ORGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff ThroughTEK Co., Ltd. (“ThroughTEK”), by and through its attorneys, hereby alleges for its patent infringement Complaint against Defendants Amcrest Technologies, LLC (“Amcrest”), Amazon.com (“Amazon”), eBay Inc. (“eBay”), Home Depot USA Inc. (“Home Depot”), Micro Center Inc. (“Micro Center”), Target Corporation (“Target”), and Walmart Inc. (“Walmart”) as follows:

**PRELIMINARY STATEMENT**

1. This is an action for infringement of Plaintiff’s United States Patent No. RE47,842 (the “’842 Patent”) under the Patent Act, 35 U.S.C. § 271, based on Defendants’ unauthorized commercial manufacture, use, importation, offer for sale, and sale of network monitoring devices including, but not limited to, network cameras and network video recorders (“NVRs”) in the United States.

2. Defendants have infringed and continue to infringe, have induced and continue to induce infringement of, and have contributorily infringed and continue to contributorily infringe, one or more claims of the ’842 Patent at least by making, using,

importing, selling and offering to sell the cameras and NVRs.

3. ThroughTEK is the legal owner by assignment of the '842 Patent, which was duly and legally issued by the United States Patent and Trademark Office (USPTO).

ThroughTEK seeks injunctive relief and monetary damages.

### **PARTIES**

4. Plaintiff ThroughTEK is a corporation organized and existing under the laws of Taiwan with its principal place of business at 9F, No. 364, Sec. 1, Nangang Rd., Nangang Dist., Taipei City 11579, Taiwan.

5. Upon information and belief, Defendant Amcrest Technologies, LLC (“Amcrest”) is a corporation organized and existing under the laws of the state of Texas with its mailing address at 16727 Park Row, Houston, TX 77084-5020, and the named registered agent is Yusuf Ravat having an address at 7941 Katy Freeway #178, Houston, TX 77024.

6. Upon information and belief, Defendant Amazon.com, Inc. (“Amazon”) is a corporation organized and existing under the laws of Delaware with its principal place of business at 410 Terry Ave. N, Seattle, WA 98109; and the named registered agent is Corporation Service Company having an address at 251 Little Falls Dr., Wilmington, DE 19808.

7. Upon information and belief, Defendant eBay Inc. (“eBay”) is a corporation organized and existing under the laws of Delaware with its principal place of business at 2025 Hamilton Ave., San Jose, CA 95125; and the named agent is The Corporation Trust Company having an address at Corporation Trust Center 1209 Orange St., Wilmington, DE 19801.

8. Upon information and belief, Defendant Home Depot U.S.A. Inc. (“Home Depot”) is a corporation organized and existing under the laws of Delaware with its principal place of business at 2455 Paces Ferry Rd., Atlanta, GA 30339-4024; and the named registered

agent is Corporation Service Company having an address at 251 Little Falls Dr., Wilmington, DE 19808.

9. Upon information and belief, Defendant Micro Center Inc. (“Micro Center”) is a corporation organized and existing under the laws of Delaware with its principal place of business at 4119 Leap Rd., Hilliard, OH 43026; and the named registered agent is Registered Agents, Ltd. having an address at 1013 Centre Rd. #403s, Wilmington, DE 19805.

10. Upon information and belief, Defendant Target Corporation (“Target”) is a corporation organized and existing under the laws of Minnesota with its principal place of business at 1000 Nicollet Mall, Minneapolis, MN 55403, and the named registered agent in the state of Minnesota is C T Corporation System having a mailing address at 1010 Dale St. N, St Paul, MN 55117-5603.

11. Upon information and belief, Defendant Walmart Inc. (“Walmart”) is a corporation organized and existing under the laws of Delaware with its principal place of business at 702 SW 8<sup>th</sup> St #555 Bentonville, AZ 72716; the named registered agent in the state of Arizona is C T Corporation System with the mailing address at 3800 N Central Ave, Suite 460, Phoenix, AZ 85012; and the named registered agent in the state of Delaware is The Corporation Trust Company having a mailing address at Corporation Trust Center 1209 Orange St., Wilmington, DE 19801.

#### **JURISDICTION AND VENUE**

12. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*

13. This court has subject matter jurisdiction over the matters asserted herein under 28 U.S.C. §§ 1331 and 1338(a).

14. The Defendants are all subject to this Court’s specific or general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, by virtue of at least

their substantial business conducted in this forum, directly and/or through intermediaries, including having solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement causes of action set forth herein.

15. Defendants directly and/or through intermediaries have advertised, offered to sell, sold and/or distributed products with the patented technology in this District. Further, Defendants directly and/or through intermediaries have purposefully and voluntarily placed such products in the stream of commerce knowing and expecting them to be purchased and used by consumers in this District.

16. Defendants have purposefully and voluntarily placed their cameras and NVRs, including but not limited to the IP8M series, for sale at nationwide chain stores or e-commerce websites including, but not limited to, Amazon, eBay, Micro Center, Target, or Walmart with the expectation that the infringing products will be used and sold in this District. These infringing products have been and continue to be used and sold in this District.

17. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400(b) at least because the Defendants has committed acts of infringement in this District.

**UNITED STATES PATENT NUMBER RE47,842**

18. United States Patent Number RE47,842 is titled “System and Method of Identifying Networked Device for Establishing a P2P Connection,” which claims the earliest priority to the United States Provisional Application number 61/812,262, that was filed on April 16, 2013. Plaintiff is the sole owner of the ’842 Patent. A true and correct copy of the ’842 Patent is attached as Exhibit A.

19. The '842 Patent claims patent-eligible subject matter and is valid and enforceable.

20. Defendants are not licensed to the '842 Patent, either expressly or implicitly, nor do they enjoy or benefit from any rights in or to the '842 Patent.

21. Generally speaking, the '842 Patent relates to a system and method for establishing a P2P (point-to-point) connection via scanning an image, such as a bar code or QR code.

22. By way of example, claim 12 of the '842 Patent reads as the follows:

A method to identify networked device for establishing a point-to point (P2P) connection, the method comprising the steps of:

- (a) connecting a first networked monitoring device to a network server through the Internet, wherein the network server has a list of networked devices that are pre-registered in the network server, wherein the network server associates a corresponding identification of each networked device with a corresponding IP address of the networked device for enabling terminal devices to establish P2P connections with the plurality of networked devices;
- (b) registering a first identification of the first networked monitoring device into the list of networked devices of the server;
- (c) providing an image pattern comprising the first identification, wherein the image pattern is attached on the first networked monitoring device for establishing a P2P connection with the first networked monitoring device;
- (d) generating a connection request signal by a terminal device when the image pattern is captured to the terminal device and transmitting the connection request signal to the network server by the terminal device through the Internet; and
- (e) identifying the first networked monitoring device in the list of the networked devices of the network server to obtain the first identification according to the connection request signal and obtain the corresponding IP address of the first

networked monitoring device according to the obtained first identification for establishing a P2P connection between the terminal device and the first networked monitoring device, wherein the network server respectively transmits hole-punching messages to the terminal device and the first networked monitoring device via the Internet to establish the P2P connection, and wherein the first networked monitoring device does not capture any image pattern associated with the terminal device for establishing the P2P connection between the terminal device and the first networked monitoring device.

23. Figures 1 and 3-4 of the '842 Patent show diagrams of an exemplary embodiment of the invention, illustrating how a P2P connection is established:

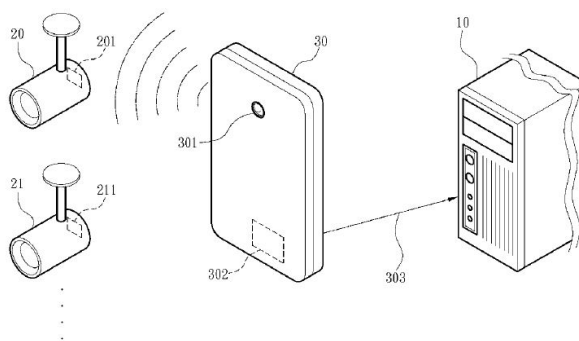


Fig. 1

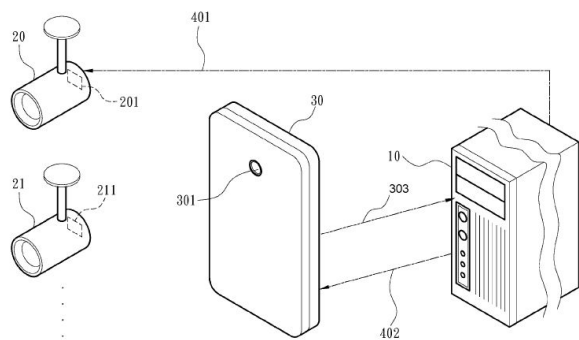


Fig. 3

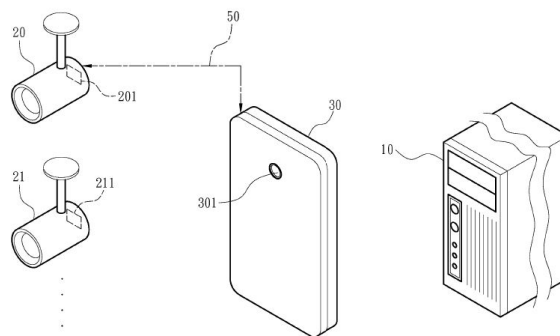


Fig. 4.

24. In the above embodiment, a terminal device 30, such as a cell phone, scans an image 201 on the network monitoring device 20 for establishing a P2P connection. The terminal device 30 sends the P2P connection request to the server 10 upon scanning the image on the network monitoring device. The network server 10 then sends necessary information 401 and 402 to the network monitoring device 20 and the terminal device 30 respectively, and the P2P connection 50 is established between the network monitoring device 20 and the terminal device 30.

### THE ACCUSED INSTRUMENTALITIES

25. Defendants manufacture, sell, offer to sell, facilitate to sell, facilitate to offer to sell, or import the network monitoring devices, including but not limited to the IP8M series, that establish a P2P connection via scanning an image.

26. These network monitoring devices include, but are not limited to, cameras and other network devices that support the monitoring functions.

27. Hereafter, the “Accused Instrumentalities” include the IP8M series products and related software as well as any network monitoring device with an associated image for establishing a P2P connection, any software for supporting establishing the P2P connection associated with an image, and any beyond the scene services for supporting establishing such P2P connection.

## ACT GIVING RISE TO THIS ACTION

### A. Defendant Amcrest

28. Upon information and belief, Defendant Amcrest manufactures, sells, offers to sell, facilitates to sell, or facilitates to offer to sell the Accused Instrumentality in United States, or imports the Accused Instrumentality into the United States.

29. Upon information and belief, Defendant Amcrest directly sells or offers to sell the Accused Instrumentality, including but not limited to, its cameras and network video recorders (NVRs), or through retailers including Amazon, eBay, Home Depot, Micro Center, Target, and Walmart.

30. Defendant Amcrest's accused products provide an image, and the Defendant Amcrest also provides an App for consumers to scan the image for establishing a P2P connection. Exhibit B is Amcrest's product manual for IP8M series camera model number 2496EW-V2 and 1496EB-V2 (Product Manual), which illustrates how to use Amcrest's App to establish P2P connection by scanning an image on the product. In particular, page 11 of the Product Manual illustrates using the Amcrest smart phone App to scan the QR code on the camera, and then the Amcrest smart phone App receives and plays the video image captured by the camera as a connection is established. Exhibit C is a Quick Start Guide from Amcrest also showing a how to use Amcrest's App to establish P2P connection by scanning an image on the product. In particular, the step 7 in the mobile setup section of the Quick Start Guide illustrates using Amcrest smart phone App to scan the QR code on the camera, and then the step 11 illustrates that the Amcrest App receives and displays the video image captured by the camera as a connection is established.

31. A cease-and-desist letter was sent to the Defendant Amcrest providing notice of the infringement with respect to the '842 Patent on September 20, 2022. Defendant Amcrest has not responded to the cease-and-desist letter.



**B. Defendants Amazon, eBay, Home Depot, Micro Center, Target, and Walmart**

32. Upon information and belief, Defendants Amazon, eBay, Home Depot, Micro Center, Target, and Walmart sell, facilitate to sell, offer to sell, and/or facilitate to offer to sell the Accused Instrumentalities in United States.

33. Each of Defendants Amazon, eBay, Home Depot, Micro Center, Target, and Walmart is a retailer or an authorized retailer for the Accused Instrumentalities for Defendant Amcrest. Exhibit D shows that each of the Defendants Amazon, eBay, Home Depot, Micro Center, Target, and Walmart is a retailer or an authorized retailer for the Accused Instrumentalities from Defendant Amcrest, which can also be seen at the web address at <https://amcreat.com/where-to-buy>.

34. Plaintiff has twice sent notices of infringement to Defendant Amazon in regard to the Accused Instrumentalities, a first on October 28, 2022 and a second on November 3, 2022. Defendant Amazon rejected receipt of Plaintiff's notifications on October 31, 2022 and November 4, 2022, respectively.

**COUNT 1: DIRECT INFRINGEMENT ON THE '842 PATENT**

35. All preceding paragraphs are incorporated by references as if fully set forth herein.

36. Defendants directly infringe the '842 Patent by manufacturing, selling, and/or offering to sell the Accused Instrumentalities in the United States, and/or by importing the Accused Instrumentalities into the United States, and use and practice the patented method with the Accused Instrumentalities.

37. Defendants have continued manufacturing, selling, offering to sell, and/or importing the Accused Instrumentalities which use/practice the patented method.

38. Defendants have continued using and practicing the patented method by manufacturing, selling, offering to sell, and/or importing the Accused Instrumentalities.

39. Hence, as Defendants have continued using/practicing the patented method by manufacturing, selling, and offering to sell the Accused Instrumentalities, Defendants have infringed the '842 Patent under 35 U.S.C. § 271(a).

**COUNT 2: INDUCING INFRINGEMENT ON THE '842 PATENT**

40. All preceding paragraphs are incorporated by references as if fully set forth herein.

41. Defendants actively induce infringement of the '842 Patent by selling, facilitating to sell, offering to sell, and/or facilitating to offer to sell the Accused Instrumentalities to consumers.

42. By selling, facilitating to sell, offering to sell, and/or facilitating to offer to sell the Accused Instrumentalities to consumers, Defendants induce consumers to use the patented method without proper license or authorization from the Plaintiff.

43. Defendants have continued inducing consumers to use the patented method without proper license or authorization from the Plaintiff by continuing selling, facilitating to sell, offering to sell, and/or facilitating to offer to sell the Accused Instrumentalities to consumers.

44. Hence, as Defendants have continued inducing consumers to use the patented method without proper license or authorization from Plaintiff, Defendants have infringed the '842 Patent under 35 U.S.C. § 271(b).

**COUNT 3: CONTRIBUTORY INFRINGEMENT OF THE '842 PATENT**

45. All preceding paragraphs are incorporated by references as if fully set forth herein.

46. Defendants actively induce infringement of the '842 Patent by selling, facilitating to sell, offering to sell, and/or facilitating to offer to sell the Accused Instrumentalities.

47. Defendants provide the consumers with the App, which is to be downloaded onto the consumers' phones. The Accused Instrumentalities along with consumers' phones use the patented method, which is to complete the P2P connection via an image.

48. The Accused Instrumentalities are solely for the purpose of practicing the patented method.

49. Defendants have continued to contribute to the infringement of the patented method by selling, facilitating to sell, offering to sell, and/or facilitating to offer to sell the Accused Instrumentalities which are to be used together with consumers' phones in order to establish the P2P connection via an image.

50. Hence, as Defendants have contributed to consumers' use of the patented method without proper license or authorization from Plaintiff, Defendants have infringed the '842 Patent under 35 U.S.C. § 271(c).

#### **COUNT 4: WILLFUL INFRINGEMENT OF THE '842 PATENT**

51. All preceding paragraphs are incorporated by references as if fully set forth herein.

52. Defendants Amcrest and Amazon have actual or constructive notice of the '842 Patent and were provided notice of infringement.

53. On information and belief, Defendants deliberately continue using the patented method by selling, facilitating to sell, offering to sell, and/or facilitating to offer to sell the Accused Instrumentalities in the United States, and/or importing the Accused Instrumentalities into the United States.

54. Defendants have continued to sell, offer for sale, and facilitating the offer of sale of the Accused Instrumentalities in the United States, and/or importing the Accused Instrumentalities into the United States; hence, Defendants Amcrest's and Amazon's actions constitute willful infringement of the '842 Patent.

### PRAYER FOR RELIEF

**WHEREFORE**, ThroughTEK requests judgment against Defendants as follows:

- A. Adjudging that Defendants have directly infringed, actively induced infringement of, and/or contributorily infringed the '842 Patent in violation of 35 U.S.C. § 271(a), 271(b), and/or 271(c);
- B. Granting an injunction preliminarily and permanently enjoining Defendants, their employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns and all of those in active concert and participation with any of the foregoing persons or entities from infringing, contributing to the infringement of, or inducing infringement of the '842 Patent pursuant to 35 U.S.C. §283;
- C. Ordering Defendants to account and pay damages adequate to compensate ThroughTEK for Defendants' infringement of the '842 Patent, including pre-judgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284;
- D. Ordering an accounting for any infringing sales not presented at trial and an award by the court of additional damages for any such infringing sales.
- E. Finding Defendants Amcrest and Amazon have willfully infringed the '842 Patent, and awarding Plaintiff all allowable damage for their willful infringement, including but not limited to an award of three times Plaintiff's actually damages pursuant to 35 U.S.C. § 284;
- F. Declaring this case exceptional and awarding ThroughTEK its reasonable attorney fees, pursuant to 35 U.S.C. § 285; and
- G. Awarding such other and further relief as this Court deems just and proper.

Dated: January 27, 2023

Respectfully submitted,

/s/ Andrew W. Stinson

Justin I. King (*pro hac vice forthcoming*)

WPAT, P.C. LAW GROUP VIRGINIA

8230 Boone Blvd, Suite 405

Vienna, VA 22182

703-639-0151

[jking@wpat.com](mailto:jking@wpat.com)

Andrew W. Stinson

State Bar No. 24028013

RAMEY & FLOCK, P.C.

100 East Ferguson, Suite 404

Tyler, Texas 75702

903-597-3301

[andys@rameyflock.com](mailto:andys@rameyflock.com)

*Attorneys for Plaintiff*