

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

NOSTROMO LLC,)	
)	Case No.
)	
Plaintiff,)	<u>JURY TRIAL DEMANDED</u>
)	
v.)	
)	
ADT INC. and ADT LLC,)	
)	
Defendants.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Nostromo LLC (“Nostromo” or “Plaintiff”) for its Complaint against Defendants ADT Inc. and ADT LLC (collectively, “ADT” or “Defendants”) for patent infringement alleges as follows:

THE PARTIES

1. Nostromo is a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business located at 104 East Houston Street, Suite 160, Marshall, TX 75670.

2. On information and belief, Defendant ADT Inc. is a corporation organized under the laws of Delaware, USA, with its principal place of business and corporate headquarters at 1501 Yamato Road, Boca Raton, Florida, USA 33431. ADT Inc. may be served with process via its registered agents, including The Corporation Trust Company, Corporation Trust Center 1209 Orange St, Wilmington, DE, USA 19801. ADT Inc. is a publicly traded company on the New York Stock Exchange under the symbol “ADT.”

3. On information and belief, Defendant ADT LLC is a company organized under the laws of Delaware, USA, with its principal place of business located at 1501 Yamato Road, Boca Raton, Florida, USA 33431. ADT LLC may be served with process via its registered agents, including C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX, USA 75201-3136. ADT Inc. and ADT LLC share the same location for their principal places of business. Moreover, ADT LLC is a wholly owned and controlled subsidiary of ADT Inc. ADT LLC is part of a group of companies operating under the name “ADT” of which ADT Inc. is the parent and controlling entity.

4. “ADT Inc., together with its wholly-owned subsidiaries,” referred to collectively as “ADT” in ADT Inc.’s annual financial report for 2021, “is a leading provider of security, interactive, and smart home solutions serving residential, small business, and commercial customers in the United States.” *See* ADT INC., *Form 10-K Annual Financial Report For the Fiscal Year Ended December 31, 2021*, p. 4, available for download at <https://investor.adt.com/financials/sec-filings/default.aspx> (hereinafter “Annual Financial Report”). In May 2016, ADT Inc. acquired The ADT Security Corporation, which significantly increased ADT’s market share in the security systems industry making ADT one of the largest monitored security companies in the U.S. and, at the time, Canada. *Id.* “[ADT] primarily conducts business under the ADT brand name.” *Id.* at F-10, p. 89. ADT Inc. states that “substantially all of the Company’s assets are located in the U.S. as of December 31, 2021, and 2020.” *Id.* at F-21, p. 100.

5. ADT’s “mission is to empower customers to protect and connect to what matters most - their families, homes, and businesses - by delivering safe, smart, and sustainable lifestyle-driven solutions through professionally installed, do-it-yourself (“DIY”), and mobile or other

digital-based offerings supported by our 24/7 professional monitoring services,” and “[t]he ADT brand is one of the most recognized and trusted brands in the security industry, which [ADT] believe[s] is a key competitive advantage and contributor to [ADT’s] success due to the importance customers place on reputation and trust when purchasing [ADT’s] products and services.” *Id.* ADT Inc. additionally states that “[t]he strength of [ADT’s] brand is based upon a long-standing record of delivering high-quality, reliable products and services; expertise in system sales, installation, and monitoring; and superior customer care, all driven by [ADT’s] industry-leading experience and knowledge.” *Id.* ADT “serve[s] [its] customers through [its] nationwide sales and service offices; monitoring and support centers; and a large network of security, home-automation, and solar-installation professionals in the U.S.” and “[a]s of December 31, 2021, [ADT] had approximately 6.6 million recurring revenue customers.” *Id.*

6. “[ADT] ha[s] a network of over 250 sales and service offices and three regional distribution centers, which are supported by 17 multiuse sales, customer, and field support locations housing our nine UL-listed monitoring centers and four national sales centers.” *Id.* ADT Inc., further states that, “[w]hile select locations may primarily support one segment or market, such as our NAOC which supports our Commercial business, these multi-use locations primarily support our business as a whole.” *Id.*

7. ADT Inc. states that “[ADT] evaluate[s] and report[s] [ADT’s] segment information based on the manner in which [ADT’s] Chief Executive Officer, who is the chief operating decision maker (the “CODM”), evaluates performance and allocates resources.” *Id.* at p. 6. “Prior to 2021, [ADT] had a single operating and reportable segment,” but “beginning in the first quarter of 2021, [ADT] reported results in two operating and reportable segments, Consumer and Small Business (“CSB”) and Commercial.” *Id.* “Upon consummation of the Sunpro Solar

Acquisition in the fourth quarter of 2021, [ADT] began reporting results for a third operating and reportable segment related to the ADT Solar business (“Solar’).” *Id.*

8. On information and belief, ADT, including parent ADT Inc. along with its subsidiaries, are engaged in research and development (including, for example, “ongoing technological innovations”), manufacturing, importation, distribution, sales, installation, servicing, monitoring and related technical services for: (i) “integrated security, interactive, and automation systems, and other related offerings,” with each activity being conducted “for residential homeowners, small business operators, and other individual consumers of security and automation systems” in the United States and (ii) “integrated security, interactive, and automation systems, fire detection and suppression systems, and other related offerings” for “larger businesses with more expansive facilities (typically larger than 10,000 square feet) and multi-site operations, which often require more sophisticated integrated solutions” in the United States. See *Id.* at pp. 6-11. ADT’s products are (i) manufactured outside the U.S. and then imported into the United States or (ii) manufactured inside the U.S., and distributed, and sold to end-users via the internet, brick-and-mortar stores and/or via dealers in the U.S., in Texas and the Eastern District of Texas.

9. On information and belief, ADT maintains a corporate presence in the United States, including in Texas and in this District, via at least its wholly owned and controlled U.S.-based subsidiaries, including, for example, ADT LLC dba ADT Security Services, which is a Delaware company having multiple offices in this District, including at least two offices in Tyler, Texas located at 470 DC Dr, Tyler, TX 75701 and 215 Winchester Drive, Suite 105, Tyler, TX 75701, and a Beaumont Office located at 7415 Eastex Plaza Drive, Suite 8, Beaumont, TX 77708. See *Annual Financial Report*, Ex. 21.1 at p. 652; *Home Security Tyler*, ADT.COM, <https://www.adt.com/local/tx/tyler?>; *Home Security Beaumont*, ADT.COM,

<https://www.adt.com/local/tx/beaumont?>. On behalf and for the benefit of Defendants, ADT coordinates the importation, distribution, marketing, offers for sale, sale, and use of the ADT's products in the U.S. For example, ADT maintains distribution channels in the U.S. for ADT's products via online stores, distribution partners, retailers, reseller partners, dealers, and other related service providers. *Local Home Security Monitoring in Texas*, ADT.COM, <https://www.adt.com/local/tx>; *blue by ADT*, <https://www.bluebyadt.com/> (offering security products, for example, smart home hub, Blue by ADT app, door/window sensors, motion sensors, mobile app, keypad, cameras, smoke detector, flood and temperature sensors, Wi-Fi range extenders, and keychain remote, under the slogan: "DIY security from ADT. Yes, that ADT.").

10. As a result, via at least ADT's established distribution channels operated and maintained by at least Defendant ADT Inc. and ADT's U.S.-based subsidiaries, including wholly owned and controlled Defendant ADT LLC, ADT products are distributed, sold, advertised, and used nationwide, including being sold to consumers via ADT dealers operating in Texas and this District. Thus, Defendants do business in the U.S., the state of Texas, and in this District.

11. Defendants have authorized sellers and sales representatives that offer and sell products pertinent to this Complaint through the State of Texas, including in this Judicial District, and to consumers throughout this Judicial District, as indicated in the figure below.

Texas

Texas Commission on Private Security
 4926 South Congress Ave, Suite C-305
 Austin, TX

Search:

Dealer Name	State License	2nd State License	3rd State License
ADMIRAL AUTOMATED SECURITY LLC	D10474401		
ADVANCED HOME SECURITY LLC	B08466301		
ALARM GUARD SECURITY SERVICES LLC	B07382601		
ALL DAY SECURE LLC	B08505601		
ALL-SAFE PROTECTION SERVICES	B04195601		
ALPHA TECH SOLUTIONS LLC	B08574201		
BRANDON NICHOLS	B08567101		
BULLDOG SECURITY SERVICES LLC	B15560		
BULLDOG SECURITY-UNITED	B15560		
CONNECTED HOME SOLUTIONS LLC	B07355101		
DIRECT PROTECTION SECURITY INC	B06270001		
DT SECURITY LLC	B19054		
DT SECURITY LLC-SBP	B19054		
HOME ALARM LLC	B08067901		
HOME STAR SECURITY	B16859		
IMPULSE ALARM LLC	B07298001		
K & G SECURELINK GROUP INC	B19145		
LVD CONCEPTS INC	B16152		
MAVERICK SECURITY LLC	B05452201		
MAX PROTECTION HOME & SMALL BUS SOC	B23010501		
MAX PROTECTION HOME & SMALL BUS SOC LLC	B23010501		
MILLENNIUM ALARM SYSTEMS INC	D10995		
MONSON ENTERPRISES INC	B20054		
PREFERRED HOMES TECHNOLOGIES INC	D13023		
PREMIER SURVEILLANCE LLC	B07306201		
PREMIER SURVEILLANCE LLC-SBP	B07306201		
PRIME PROTECTION LLC	B0847071		
REVAHPED SECURITY SOLUTIONS LLC	B19623	B19623	
REVAHPED SECURITY SOLUTIONS LLC-NFP	B19623		
REVAHPED SECURITY SOLUTIONS LLC-SBP	B19623		
REVAHPED SECURITY-UNITED	B19623		
SAFE HAVEN SECURITY SERVICES LLC	B14859		
SAFE STREETS USA LLC	B06239001		
SAFEHOUSE PROTECTION	B14861		
SAN ANTONIO ALARM COMPANY INC.	B04128301		
SECURITY SOLUTIONS INC	B10514501		
SIGNATURE SECURITY SOLUTIONS LLC	B18920901		
SKARTAN SMART SECURITY, LLC	B0787490	B08167901	
THE HOME AUTOMATION EXPERIENCE LLC	B06066601		
TRU HOME SERVICES INC.	B25580601		
UNIVERSAL DYNAMICS LLC	B04159501		

JURISDICTION

12. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

A. Defendant ADT Inc.

13. On information and belief, ADT Inc. is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and District, including: (A) at least part of its infringing activities alleged herein which purposefully avail the Defendant of the privilege of conducting those activities in this state and this District and, thus, submits itself to the jurisdiction of this court; and (B) regularly doing or soliciting business, engaging in other persistent conduct targeting residents of Texas and this District, and/or deriving substantial revenue from infringing goods offered for sale, sold, and imported and services provided to and targeting Texas residents and residents of this District vicariously through and/or in concert with its alter egos, agents, intermediaries, related entities, distributors, dealers, importers, customers, subsidiaries, members, segments, companies, brands, and/or consumers. For example, ADT Inc. is related to, owns, and/or controls subsidiaries (for example, ADT LLC and The ADT Security Corporation), business segments (for example, its Consumer and Small Business ("CSB") segment and Commercial segment) and additional business and/or brands (for example, ADT, Blue by ADT, Pulse, ADT Security Services, CAM CONNECTIONS, PROTECTION ONE, Protect Your Home, brands including "ADT," and brands and registered and applied-for marks listed by the United States Patent and Trademark Office's Trademark Electronic Search System as owned by The ADT

¹ <https://www.adt.com/about-adt/legal/licenses/dealer-licenses>.

Security Corporation or ADT Holdings, Inc.) that have a significant business presence in the U.S. and in Texas. Such a presence furthers the development, design, manufacture, importation, distribution, sale, and use (including by inducement) of infringing ADT products in Texas, including in this District.

14. This Court has personal jurisdiction over Defendant ADT Inc., directly and/or through the activities of ADT Inc.'s intermediaries, agents, related entities, distributors, importers, customers, subsidiaries, and/or consumers, including through the activities of Defendant ADT LLC, other members, segments, companies and/or brands of ADT (e.g., ADT LLC, The ADT Security Corporation, ADT Holdings, Inc., ADT, Blue by ADT, Pulse, ADT Security Services, CAM CONNECTIONS, PROTECTION ONE, Protect Your Home, brands including "ADT," and brands and registered and applied-for marks listed by the United States Patent and Trademark Office's Trademark Electronic Search System as owned by The ADT Security Corporation or ADT Holdings, Inc.), and U.S.-based subsidiaries. Through direction and control of these entities, ADT Inc. has committed acts of direct and/or indirect patent infringement within Texas, and elsewhere within the United States, giving rise to this action and/or has established minimum contacts with Texas such that personal jurisdiction over ADT Inc. would not offend traditional notions of fair play and substantial justice.

15. On information and belief, ADT Inc. controls or otherwise directs and authorizes all activities of its subsidiaries and related entities, including, but not limited to Defendant ADT LLC and The ADT Security Corporation, and other members, segments, companies and/or brands of ADT. *See, e.g., Home Security Tyler*, ADT.COM, <https://www.adt.com/local/tx/tyler> (Terms of Use stating, "These ADT Website Terms and Conditions of Use (the 'Terms') govern your use [sic] any websites that are owned or operated by ADT LLC, d/b/a ADT Security Services ('ADT,'

‘we,’ ‘us’ or ‘our’), and which contain a link to the Terms (collectively, and together with all services available through such websites, the ‘Site’)); *Certification of Chief Executive Officer, Annual Financial Report*, Ex. 32.1 at p. 656; *Certification of Chief Financial Officer, Annual Financial Report*, Ex. 32.2 at p. 657; *Annual Financial Report*, F-10 at p. 89 (“[ADT] primarily conducts business under the ADT brand name.”). For example, the President and Chief Executive Officer is the same for both ADT LLC and ADT Inc. *See, e.g., Certification of Chief Executive Officer, Annual Financial Report*, Ex. 32.1 at p. 656 (listing “James D. DeVries” as “President and Chief Executive Officer of ADT Inc.”); *Management, Business Organizations Inquiry – View Entity*, DIRECT.SOS.STATE.TX.US, <https://direct.sos.state.tx.us/acct/acct-login.asp> (via login to Texas SOSDirect, selecting menu item labeled “Business Organizations,” following link entitled “Find – Entity,” searching for “ADT LLC”, selecting the search result for “ADT LLC” and the tab labeled “MANAGEMENT”) (listing “DeVries James D” as “President and Chief Executive Of[ficer]” of ADT LLC). Directly via its agents in the U.S. and via at least distribution partners, retailers, reseller partners, dealers, professional installers, and other service providers, ADT Inc. has placed and continues to place infringing ADT products into the U.S. stream of commerce. Examples include the manufacture and/or importation of ADT products into the United States. *See, e.g., Annual Financial Report*, pp. 6-11. ADT Inc. has placed such products into the stream of commerce with the knowledge and understanding that such products are, will be, and continue to be sold, offered for sale, and/or imported into this District and the State of Texas. *See Litecubes, LLC v. Northern Light Products, Inc.*, 523 F.3d 1353, 1369-70 (Fed. Cir. 2008) (“[T]he sale [for purposes of § 271] occurred at the location of the buyer.”); *see also Semcon IP Inc. v. Kyocera Corporation*, No. 2:18-cv-00197-JRG, 2019 WL 1979930, at *3 (E.D. Tex. May 3, 2019) (denying accused infringer’s motion to dismiss because plaintiff sufficiently plead that purchases of

infringing products outside of the United States for importation into and sales to end users in the U.S. may constitute an offer to sell under § 271(a)).

16. On information and belief, ADT utilizes established distribution channels to distribute, market, offer for sale, sell, service, and/or warrant infringing products directly to consumers and other users, including providing links via its own website to online stores, retailers, detailers, resellers, distributors, and dealers offering such products and related services for sale. *See ADT Security Local Service Areas*, ADT.COM, <https://www.adt.com/local>; *blue by ADT*, BLUEBYADT.COM, <https://www.bluebyadt.com/>; *ADT OUTDOOR CAMERA PRO 1080P*, ZIONSSECURITY.COM, <https://zionssecurity.com/product/adt-outdoor-camera-pro-1080p/> (“The ADT Outdoor Camera Pro 1080P is perfect if you want to see your driveway or backyard from your ADT app. It works with both the Pulse and Control app. It is a weatherproof, infrared, WiFi camera with 1080P HD Quality Video!”). Such ADT products and/or services have been sold from and/or in both brick-and-mortar and/or online retail stores within this District and in Texas, with examples being ADT Security Services offices located in Tyler, Texas, an ADT Security Services Office located in Beaumont, Texas, locations listed on the ADT website, nationwide dealers or distributors, and at least one nationwide online retailer or online retail store. *See, e.g., Home Security Tyler*, ADT.COM, <https://www.adt.com/local/tx/tyler?>; *Home Security Beaumont*, ADT.COM, <https://www.adt.com/local/tx/beaumont?>; *blue by ADT*, BLUEBYADT.COM, <https://www.bluebyadt.com/>; *ADT OUTDOOR CAMERA PRO 1080P*, ZIONSSECURITY.COM, <https://zionssecurity.com/product/adt-outdoor-camera-pro-1080p/>. Additionally, ADT products, including infringing products and/or services, are and have been sold nationwide, in Texas and this District via, for example, direct sales, at least one online retail store, and dealers. *See, e.g., ADT Doorbell Camera*, ADT.COM, <https://www.adt.com/doorbell-camera>;

Outdoor Security Cameras, ADT.COM, <https://www.adt.com/outdoor-security-camera> (“Only requires a power source and Wi-Fi connection.”); *Indoor Security Cameras*, ADT.COM, <https://www.adt.com/indoor-security-camera> (“Place indoor cameras anywhere in your home within Wi-Fi signal range of the control panel.”); *ADT Command*, ADT.COM, <https://www.adt.com/command>; *How to configure Wi-Fi on your ADT Command panel*, YOUTUBE.COM, <https://www.youtube.com/watch?v=ZjNP95AeMZ4>; *Smart Home*, ADT.COM, <https://www.adt.com/shop/packages/smart-home.html> (showing the Secondary Wireless Touchscreen has a “Wi-Fi” frequency of operation); *What Are Wireless Security Cameras, and Do I Need One?*, ADT.COM, <https://www.adt.com/resources/what-are-wireless-security-cameras> (“ADT cameras use an encrypted wireless protocol known as WPA2, an industry-recognized method to limit wireless network access.”); *Wireless Outdoor Camera*, BLUEBYADT.COM, <https://www.bluebyadt.com/shop/blue-outdoor-camera.html>; *Blue by ADT Doorbell Camera*, SUPPORT.BLUEBYADT.COM, <https://support.bluebyadt.com/s/article/Blue-by-ADT-Doorbell-Cameras>. ADT wireless security cameras are offered for sale in this District at least via ADT Security Services Offices at 4706 DC Dr, Tyler, TX 75701, at 215 Winchester Drive, Suite 105, Tyler, TX 75701, and at 7415 Eastex Plaza Drive, Suite 8, Beaumont, TX 77708, and online at least by bluebyadt.com. *See, e.g., Home Security Tyler*, ADT.COM, <https://www.adt.com/local/tx/tyler?>; *Home Security Beaumont*, ADT.COM, <https://www.adt.com/local/tx/beaumont?>; *blue by ADT*, BLUEBYADT.COM, <https://www.bluebyadt.com/>; *What Are Wireless Security Cameras, and Do I Need One?*, ADT.COM, <https://www.adt.com/resources/what-are-wireless-security-cameras> (“ADT cameras use an encrypted wireless protocol known as WPA2, an industry-recognized method to limit wireless network access.”). ADT Inc., via its wholly owned and controlled subsidiaries, also

provides application software (“apps”) for download and use in conjunction with and as a part of the wireless communication network that connects ADT products and other network devices. *See, e.g., Apps for your mobile lifestyle*, ADT.COM, <https://www.adt.com/apps> (showing ADT SoSecure app, ADT Control app, and noting integration of Google Assistant-enabled Google Nest Mini with the ADT system enables voice commands of security, locks, lights, music and more); ADT PULSE APP, ADT.COM, <https://www.adt.com/pulse>. These apps are available via digital distribution platforms operated, for example, by Apple Inc. and Google for download by users and execution on smartphone devices. *See, e.g., Apps for your mobile lifestyle*, ADT.COM, <https://www.adt.com/apps> (“Download the free app from the Apple or Google Play Store.”).

17. Based on ADT Inc.’s connections and relationship with manufacturers, dealers, retailers, and digital distribution platforms, ADT Inc. knows that Texas is a termination point of the established distribution channel, namely online and brick-and-mortar stores offering ADT products and related services and software to third-party manufacturers, distribution partners, retailers (including national retailers), reseller partners, dealers, service providers, consumers, and other users in Texas. ADT Inc., therefore, has purposefully directed its activities at Texas, and should reasonably anticipate being brought into this Court, at least on this basis. *See Icon Health & Fitness, Inc. v. Horizon Fitness, Inc.*, 2009 WL 1025467, at (E.D. Tex. 2009) (finding that “[a]s a result of contracting to manufacture products for sale in” national retailers’ stores, the defendant “could have expected that it could be brought into court in the states where [the national retailers] are located”).

18. On information and belief, ADT Inc. alone and in concert with other related entities such as Defendant ADT LLC, and subsidiaries, and members, segments, companies and/or brands of ADT, manufactures and purposefully places infringing ADT products in established distribution

channels in the stream of commerce, including in Texas, via third-party manufacturers, distributors, dealers, and reseller partners, such as at least those operating online and/or those listed on ADT's website. As an example, ADT Inc. manufactures ADT products in Texas and/or imports ADT products to Texas directly and/or through a related entity or subsidiary and directly sells and offers for sale infringing ADT products in Texas to resellers or dealers. For example, ADT products including at least smart home and video packages are offered for sale at ADT Security Services offices and/or authorized providers located in this District in McKinney, TX, for example, at 1720 N Central Expy, McKinney, TX 75070. *See, e.g., SafeStreets, HOMESecuritySMITH.COM, <https://homesecuritysmith.com/adt-security-locations/texas/mckinney-tx/>* (offering individually customized & installed packages "From basic packages to smart home and video remote monitoring" via ADT Authorized Provider Safe Streets USA); *McKinney TX, ADT® Home Security Deals and Alarm System Specials, HOMESALARM.COM, <https://www.homesalarm.com/texas/adt-mckinney-tx/>* (offering professionally customized & installed "Smart home security and video packages" via Homesalarm.com); *What Are Wireless Security Cameras, and Do I Need One?, ADT.COM, <https://www.adt.com/resources/what-are-wireless-security-cameras>* ("ADT cameras use an encrypted wireless protocol known as WPA2, an industry-recognized method to limit wireless network access."). These suppliers, distributors, dealers, and/or resellers import, advertise, offer for sale and/or sell ADT products and/or related services, such as consultation and installation, via their own websites to U.S. consumers, including to consumers in Texas and this District. Based on ADT Inc.'s connections and relationship, including supply contracts and other agreements with the U.S.- and Texas-based suppliers, distributors, dealers, and/or resellers, such as at least Safe Streets USA, ADT Inc. knows and has known that Texas is a termination point of the established

distribution channels for ADT products. ADT Inc., alone and in concert with subsidiaries Defendant ADT LLC, and U.S.-based Members, segments, companies and/or brands of ADT has purposefully directed its activities at Texas, and should reasonably anticipate being brought in this Court, at least on this additional basis. *See Ultravision Technologies, LLC v. Holophane Europe Limited*, 2020 WL 3493626, at *5 (E.D. Tex. 2020) (finding sufficient to make a prima facie showing of personal jurisdiction allegations that “Defendants either import the products to Texas themselves or through a related entity”); *see also Bench Walk Lighting LLC v. LG Innotek Co., Ltd et al.*, Civil Action No. 20-51-RGA, 2021 WL 65071, at *7-8 (D. Del., Jan. 7, 2021) (denying motion to dismiss for lack of personal jurisdiction based on the foreign defendant entering into supply contract with U.S. distributor and the distributor sold and shipped defendant’s products from the U.S. to the a customer in the forum state).

19. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). As alleged herein, Defendant ADT Inc. has committed acts of infringement in this District. As further alleged herein, Defendant ADT Inc., via its own operations and/or employees, has a regular and established place of business in this District, for example, in Smith County, at 4706 DC Dr, Tyler, TX 75701, at 215 Winchester Drive, Suite 105, Tyler, TX 75701, and in Jefferson County, at 7415 Eastex Plaza Drive, Suite 8, Beaumont, TX 77708, among other ADT locations owned, leased and/or operated in this District. Accordingly, ADT Inc. may be sued in this district under 28 U.S.C. § 1400(b).

B. Defendant ADT LLC

20. On information and belief, Defendant ADT LLC is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and this District, including: (A) at least part of its

infringing activities alleged herein which purposefully avail the Defendant of the privilege of conducting those activities in this state and this District and, thus, submits itself to the jurisdiction of this court; and (B) regularly doing or soliciting business, engaging in other persistent conduct targeting residents of Texas and this District, and/or deriving substantial revenue from infringing goods offered for sale, sold, and imported and services provided to and targeting Texas residents and residents of this District vicariously through and/or in concert with its partners, alter egos, intermediaries, agents, distributors, importers, customers, subsidiaries, and/or consumers. For example, ADT LLC and parent Defendant ADT Inc. and ADT Inc.'s U.S.-based subsidiaries, and members, segments, companies and/or brands of ADT manufacture, import, distribute, offer for sale, sell, and induce infringing use of ADT products to distribution partners, retailers (including national retailers), resellers, dealers, service providers, consumers, and other users.

21. On information and belief, this Court has personal jurisdiction over ADT LLC, directly and/or indirectly via the activities of ADT LLC's intermediaries, agents, related entities, distributors, importers, customers, subsidiaries, and/or consumers, including parent Defendant ADT Inc. and U.S.-based subsidiaries, and members, segments, companies and/or brands of ADT.

22. On information and belief, ADT LLC utilizes established distribution channels to distribute, market, offer for sale, sell, service, and/or warrant infringing products directly to consumers and other users, including offering such products and/or related services for sale. ADT products and services have been sold from and/or in both brick-and-mortar stores and online retail stores by entities within this District and in Texas. Alone and in concert with or via direction and control of or by at least these entities, ADT LLC has committed acts of direct and/or indirect patent infringement within Texas, and elsewhere within the United States, giving rise to this action and/or has established minimum contacts with Texas. For example, ADT LLC operates within a global

network of manufacturing, sales and distribution of ADT products that includes subsidiaries of ADT Inc., retail stores, showrooms, dealers, resellers, professional installers, and/or distributors operating in Texas, including this District.

23. As another example, on information and belief, ADT LLC maintains an office in this District through at least brick-and-mortar locations at 4706 DC Dr, Tyler, TX 75701, at 215 Winchester Drive, Suite 105, Tyler, TX 75701, and at 7415 Eastex Plaza Drive, Suite 8, Beaumont, TX 77708. *See, e.g., See, e.g., Home Security Tyler, ADT.COM, <https://www.adt.com/local/tx/tyler?>; Home Security Beaumont, ADT.COM, <https://www.adt.com/local/tx/beaumont?>.*

24. On information and belief, as a part of ADT's global manufacturing and distribution network, ADT LLC also purposefully places infringing ADT products in established distribution channels in the stream of commerce, including in Texas, via distribution partners, retailers (including national retailers), resellers, dealers, brand ambassadors, service providers, consumers, and other users. *See, e.g., Home Security Tyler, ADT.COM, <https://www.adt.com/local/tx/tyler?>; Home Security Beaumont, ADT.COM, <https://www.adt.com/local/tx/beaumont?>; blue by ADT, BLUEBYADT.COM, <https://www.bluebyadt.com/>; ADT OUTDOOR CAMERA PRO 1080P, ZIONSSECURITY.COM, <https://zionssecurity.com/product/adt-outdoor-camera-pro-1080p/> (“The ADT Outdoor Camera Pro 1080P is perfect if you want to see your driveway or backyard from your ADT app. It works with both the Pulse and Control app. It is a weatherproof, infrared, WiFi camera with 1080P HD Quality Video!”); SafeStreets, HOMESecuritySMITH.COM, <https://homesecuritysmith.com/adt-security-locations/texas/mckinney-tx/> (offering individually customized & installed packages “From basic packages to smart home and video remote monitoring” via ADT Authorized Provider Safe Streets USA); McKinney TX, ADT® Home*

Security Deals and Alarm System Specials, HOMESALARM.COM, <https://www.homesalarm.com/texas/adt-mckinney-tx/> (offering professionally customized & installed “Smart home security and video packages” via Homesalarm.com); *What Are Wireless Security Cameras, and Do I Need One?*, ADT.COM, <https://www.adt.com/resources/what-are-wireless-security-cameras> (“ADT cameras use an encrypted wireless protocol known as WPA2, an industry-recognized method to limit wireless network access.”). For example, ADT LLC provides infringing ADT products under the ADT brand and blue by ADT brand. Furthermore, ADT wireless doorbell cameras, outdoor security cameras, indoor security cameras, ADT command panels, and touchscreens are offered for sale in this District by at least ADT’s local offices and/or nationwide online retail stores, for example, at adt.com and bluebyadt.com. *See, e.g., ADT Doorbell Camera*, ADT.COM, <https://www.adt.com/doorbell-camera>; *Outdoor Security Cameras*, ADT.COM, <https://www.adt.com/outdoor-security-camera> (“Only requires a power source and Wi-Fi connection.”); *Indoor Security Cameras*, ADT.COM, <https://www.adt.com/indoor-security-camera> (“Place indoor cameras anywhere in your home within Wi-Fi signal range of the control panel.”); *ADT Command*, ADT.COM, <https://www.adt.com/command>; *How to configure Wi-Fi on your ADT Command panel*, YOUTUBE.COM, <https://www.youtube.com/watch?v=ZjNP95AeMZA>; *Smart Home*, ADT.COM, <https://www.adt.com/shop/packages/smart-home.html> (showing the Secondary Wireless Touchscreen has a “Wi-Fi” frequency of operation); *What Are Wireless Security Cameras, and Do I Need One?*, ADT.COM, <https://www.adt.com/resources/what-are-wireless-security-cameras> (“ADT cameras use an encrypted wireless protocol known as WPA2, an industry-recognized method to limit wireless network access.”); *Wireless Outdoor Camera*, BLUEBYADT.COM, <https://www.bluebyadt.com/shop/blue-outdoor-camera.html>; *Blue by ADT*

25. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). As alleged herein, Defendant ADT LLC has committed acts of infringement in this District. As further alleged herein, Defendant ADT LLC, via its own operations and/or employees, has a regular and established place of business in this District, for example, in Smith County, at 4706 DC Dr, Tyler, TX 75701, at 215 Winchester Drive, Suite 105, Tyler, TX 75701, and in Jefferson County, at 7415 Eastex Plaza Drive, Suite 8, Beaumont, TX 77708, among other ADT locations owned, leased and/or operated in this District. Accordingly, ADT LLC may be sued in this district under 28 U.S.C. § 1400(b).

26. On information and belief, Defendants ADT Inc. and ADT LLC each have significant ties to, and presence in, the State of Texas and this District, making venue in this District both proper and convenient for this action.

PATENT-IN-SUIT

27. On October 15, 2013, the United State Patent and Trademark Office duly and legally issued U.S. Patent No. 8,559,970 (the “’970 Patent”) entitled “Method for Providing Location-Based Services, Location-Based Information Services Systems, and Portable Electronic Device”. A true and correct copy of the ’970 Patent is available at: <https://patentimages.storage.googleapis.com/65/ea/2c/35ce607a1a84ab/US8559970.pdf>.

28. Nostromo is the sole and exclusive owner of all right, title, and interest in the ’970 Patent (the “Patent-in-Suit”) and holds the exclusive right to take all actions necessary to enforce its rights to the Patent-in-Suit, including the filing of this patent infringement lawsuit. Nostromo also has the right to recover all damages for past, present, and future infringement of the Patent-in-Suit and to seek injunctive relief as appropriate under the law.

29. Nostromo has at all times complied with the marking provisions of 35 U.S.C. § 287

with respect to the Patent-in-Suit. Upon information and belief, prior assignees and licensees have also complied with the marking provisions of 35 U.S.C. § 287.

FACTUAL ALLEGATIONS

30. The '970 Patent general relates to technology for providing location-based information service to a portable device. The technology described in the '970 Patent was developed by inventor Yung-Chao Lee. The technology of the '970 Patent is implemented in products that provide location-based services to a portable device, such as ADT smart home and security systems, such as thermostats, alarm services, and security cameras. For example, ADT's infringing products and systems include, but are not limited to, ADT's Smart Home and Video and Smart Home security systems, including ADT Command Touch Screens, ADT Door/Window Sensors, ADT Key Fob, ADT Smart Lock, ADT Motion Sensors, security cameras, smart thermostats, ADM Smart Lights, and voice control systems, in isolation or when interoperated, including for personal, small-business, and commercial use.

31. Defendants have infringed and continue to infringe the Patent-in-Suit by making, using, selling, offering to sell, and/or importing, and by actively inducing others to make, use, sell, offer to sell, and/or importing, products that infringe the Patent-in-Suit.

COUNT I **(Infringement of the '970 Patent)**

32. Paragraphs 1 through 13 are incorporated by reference as if fully set forth herein.

33. Nostromo has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '970 Patent.

34. Defendants have and continue to directly infringe the '970 Patent, either literally or under the doctrine of equivalents, without authority and in violation of 35 U.S.C. § 271, by making, using, offering to sell, selling, and/or importing into the United States products that satisfy each

and every limitation of one or more claims of the '970 Patent. Such products include ADT's Video and Smart Home Security System.

35. For example, Defendants have and continue to directly infringe at least claim 1 of the '970 Patent by making, using, offering to sell, selling, and/or importing into the United States products that provide location-based services to a portable device, such as smart home and security systems, such as thermostats, alarm services, and security camera, such ADT's Video and Smart Home Security System.

36. For example, ADT's Video and Smart Home Security System performs a method for providing location-based information services to a portable electronic device (e.g., on a mobile phone or tablet through the ADT+ Mobile Application or other related applications). ADT's Video and Smart Home Security System performs the step of providing an information platform (e.g., the ADT mobile app and associated servers where the user registers all devices) and a user preference settings database (e.g., ADT servers/databases) for respectively receiving and recording preference settings for categories of information and location range from a user of the portable electronic device.

37. ADT's Video and Smart Home Security System performs the step of setting and storing in a condition database at least one condition (e.g., customized alerts) for triggering information services provision to the portable electronic device (e.g., mobile phone).

38. ADT's Video and Smart Home Security System performs the step of receiving positioning information that includes a location of the portable electronic device by having a positioning module (e.g., geofencing receives mobile phones positioning data through positioning modules in the mobile phone).

39. ADT's Video and Smart Home Security System performs a step of determining

through use of a condition module whether the at least one condition for triggering information services provision stored in the condition database (e.g., ADT servers/databases) has been met, and when the condition has been met (e.g., the geofence has been crossed), selecting location information from a location information database (e.g., Home location) in accordance with the positioning information (e.g., real time location of a mobile phone) and the preference settings for categories of information and location range and transmitting the selected location information to the portable electronic device.

40. Defendants have and continue to indirectly infringe one or more claims of the '970 Patent by knowingly and intentionally inducing others, including ADT customers and end-users, to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States products that include infringing technology.

41. Defendants, with knowledge that these products, or the use thereof, infringe the '970 Patent at least as of the date of this Complaint, knowingly and intentionally induced, and continue to knowingly and intentionally induce, direct infringement of the '970 Patent by providing these products to others for use in an infringing manner. Alternatively, on information and belief, Defendants have adopted a policy of not reviewing the patents of others, including specifically those related to Defendants' specific industry, thereby remaining willfully blind to the Patent-in-Suit at least as early as the issuance of the Patent-in-Suit.

42. Defendants have induced infringement by others, including end users, with the intent to cause infringing acts by others or, in the alternative, with the belief that there was a high probability that others, including end users, infringe the '970 Patent, but while remaining willfully blind to the infringement. Defendants have and continue to induce infringement by its customers, partners, and end-users by supplying them with instructions on how to operate the infringing

technology in an infringing manner, while also making publicly available information on the infringing technology via Defendants' website, product literature and packaging, and other publications.

43. Nostromo has suffered damages as a result of Defendants' direct and indirect infringement of the '970 Patent in an amount to be proven at trial.

44. Nostromo has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '970 Patent, for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Nostromo prays for relief against Defendants as follows:

- a. Entry of judgment declaring that Defendants have directly and/or indirectly infringed one or more claims of the Patent-in-Suit;
- b. An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendants, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, from further acts of infringement of one or more of the Patent-in-Suit;
- c. An order awarding damages sufficient to compensate Nostromo for Defendants' infringement of the Patent-in-Suit, but in no event less than a reasonable royalty, together with interest and costs;
- d. Entry of judgment declaring that this case is exceptional and awarding Nostromo its costs and reasonable attorney fees under 35 U.S.C. § 285; and
- e. Such other and further relief as the Court deems just and proper.

Dated: February 20, 2024

Respectfully submitted,

/s/ Vincent J. Rubino, III

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***ATTORNEYS FOR PLAINTIFF,
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