

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

OOOK INTELLIGENT CO., LTD.,

Plaintiff,

v.

AVER INFORMATION INC.,

Defendant.

Civil Action No. 2:24-cv-00233

JURY TRIAL DEMANDED

COMPLAINT

OOOK Intelligent Co., Ltd. (“OOOK” or “Plaintiff”), for its Complaint against AVer Information Inc. (“AVer” or “Defendant”), alleges as follows:

PARTIES

1. OOOK is a Hong Kong corporation with its principal place of business at Unit 18, 5/F East Ocean CTR, 98 Granville Road, Kowloon, Hong Kong.
2. On information and belief, AVer is a Taiwanese corporation with a principal place of business located at 8F, No.157, Da-An Rd., Tucheng Dist., New Taipei City 23673, Taiwan.
3. AVer offers to sell and sells cameras and products comprising cameras within the United States, and/or imports cameras and products comprising cameras into the United States.

JURISDICTION AND VENUE

4. Plaintiff repeats and re-alleges each and every allegation contained in the preceding paragraphs of this Complaint as if fully set forth herein.

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) as this is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq*, including without limitation 35 U.S.C. §§ 271 and 281.

6. This Court also has personal jurisdiction over AVer. On information and belief, AVer has conducted wrongful acts in this jurisdiction, including causing infringing products to flow through the stream of commerce into this jurisdiction through an established distribution channel; AVer has purposefully directed infringing activities at consumers of this jurisdiction, including causing its infringing products to be sold to consumers within this jurisdiction; AVer has derived substantial revenues from infringing products provided within this jurisdiction; and AVer has sufficient minimum contacts with this jurisdiction such that the exercise of jurisdiction over AVer would not offend traditional notions of fair play and substantial justice.

7. This Court's exercise of personal jurisdiction over AVer is also proper under the Texas Long-Arm Statute at least because AVer does business in this jurisdiction by causing infringing products to flow through the stream of commerce into this jurisdiction, and by deriving revenues from goods provided to consumers of this jurisdiction.

8. Venue is proper as to AVer at least because AVer is a foreign company incorporated outside the United States and does not reside in the United States, and thus may be sued in any judicial district in the United States, including this judicial district.

The Patent-in-Suit

9. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

10. OOOK is the owner by assignment of all rights, title, and interest in and to United States Patent No. 11,622,071 ("the '071 Patent"), titled "Follow-up Shooting Method and

Device, Medium and Electronic Device.” The ’071 Patent was originally filed on November 10, 2021, with application No. 17/522,966, and was duly and legally issued by the United States Patent and Trademark Office on April 4, 2023. The ’071 Patent is valid, enforceable, and currently in full force and effect. A true and correct copy of the ’071 Patent is attached hereto as Exhibit 1 and incorporated herein by reference.

COUNT I. INFRINGEMENT OF U.S. PATENT NO. 11,622,071

11. OOOK repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

12. As the owner of the ’071 Patent, OOOK is authorized and has standing to bring legal action to enforce all rights arising under the ’071 Patent.

13. AVer has infringed and continues to infringe, either literally and/or under the doctrine of equivalents, one or more claims of the ’071 Patent in violation of 35 U.S.C. § 271 at least by selling and offering to sell infringing cameras and products comprising cameras within the United States.

14. Further, AVer, by itself or using intermediaries, subsidiaries, alter egos and/or agents, imports infringing cameras and products comprising cameras into the United States, and/or offers to sell and sells infringing cameras and products comprising cameras within the United States.

15. For instance, AVer’s products that infringe one or more claims of the ’071 Patent include at least the following products sold in the United States: TR311HWV2, TR313V2, and TR333V2. Exhibit 2 attached hereto shows how the TR311HWV2 product infringes each and every element of at least claim 9 of the ’071 Patent.

21. OOOK has been damaged by the infringement of the '071 Patent by AVer, and will continue to be damaged by such infringement. OOOK seeks damages to adequately compensate it for AVer's infringement of the '071 Patent. Such damages include, but are not limited to, lost profits, and should be no less than a reasonable royalty under 35 U.S.C. § 284.

22. Upon information and belief, AVer will continue to infringe the '071 Patent unless permanently enjoined by this Court. Pursuant to 35 U.S.C. § 283, OOOK is entitled to a permanent injunction against further infringement of the '071 Patent by AVer.

PRAYER FOR RELIEF

WHEREFORE, OOOK prays for entry of judgment against Defendant AVer as follows:

A. A judgment in favor of OOOK that AVer has infringed one or more claims of the '071 Patent, either literally or under the doctrine of equivalents;

B. A preliminary and permanent injunction prohibiting AVer from further acts of infringement;

C. An award of damages adequate to compensate OOOK for the infringement of the '071 Patent by AVer, including, but not limited to, lost profits, where such damages should be no less than a reasonable royalty under 35 U.S.C. § 284, together with costs as well as pre-judgment and post-judgment interests;

D. An award of OOOK's costs of suit and reasonable attorneys' fees pursuant to 35 U.S.C. § 285 due to the exceptional nature of this case, or as otherwise permitted by law with respect to AVer;

E. An accounting for acts of infringement to pay supplemental damages to OOOK for any continuing post-verdict infringement.

F. Such other equitable relief which may be requested and to which OOOK is entitled; and

G. A grant to OOOK of such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

OOOK hereby demands a trial by jury on all issues triable by jury.

Dated: April 8, 2024

RESPECTFULLY SUBMITTED,

/s/ Jack Shaw

Jack Shaw (admitted in this District)

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