

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

2 Sean S. Pak (SBN 219032)

3 seanpak@quinnemanuel.com

4 Iman Lordgooei (SBN 251320)

5 imanlordgooei@quinnemanuel.com

6 Jodie W. Cheng (SBN 292330)

7 jodiecheng@quinnemanuel.com

8 50 California Street, 22nd Floor

9 San Francisco, CA 94111

10 Telephone: (415) 875-6600

11 Facsimile: (415) 875-6700

12 *Attorneys for Plaintiff,*

13 *Verkada, Inc.*

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 VERKADA, INC.

17 Plaintiff,

18 v.

19 MOTOROLA SOLUTIONS, INC.;

20 AVIGILON CORPORATION; AVIGILON

21 FORTRESS CORPORATION; AVIGILON

22 PATENT HOLDING 1 CORPORATION;

23 AND AVIGILON TECHNOLOGIES

24 CORPORATION

25 Defendants.

CASE NO. 3:21-cv-6858

**COMPLAINT FOR DECLARATORY  
JUDGMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Verkada, Inc. (“Verkada” or “Plaintiff”) submits this Complaint against Defendants  
2 Motorola Solutions, Inc., Avigilon Corporation, Avigilon Fortress Corporation, Avigilon Patent  
3 Holding 1 Corporation, and Avigilon Technologies Corporation (collectively, “Defendants”), and  
4 alleges as follows:

5 **NATURE OF THE ACTION**

6 1. This action is brought pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201-  
7 2202, and the Patent Laws of the United States, 35 U.S.C. §§ 100 *et seq.*, for a declaratory judgment  
8 of non-infringement of patents Defendants have asserted against Verkada in proceedings before the  
9 United States International Trade Commission (“USITC”).

10 2. Verkada seeks a declaratory judgment of non-infringement of U.S. Patent Nos.  
11 7,868,912 (the “’912 Patent”), 8,508,607 (the “’607 Patent”), and 10,726,312 (the “’312 Patent”)  
12 (collectively, the “Asserted Patents”), attached hereto as Exhibits A-C, and any and all other relief  
13 the Court deems just and proper.

14 3. Defendants have filed a complaint with the USITC alleging infringement of the  
15 Asserted Patents by Verkada. An actual and justiciable controversy therefore exists under 28 U.S.C.  
16 §§ 2201-2202 between Verkada and Defendants as to whether Verkada is infringing or has infringed  
17 the Asserted Patents.

18 **THE PARTIES**

19 4. Plaintiff Verkada is a Delaware corporation with its principal place of business at  
20 405 E. 4th Avenue, San Mateo, California 94401.

21 5. On information and belief, Defendant Motorola Solutions, Inc. (“Motorola”) is a  
22 Delaware corporation with its headquarters and principal place of business at 500 W. Monroe St.,  
23 Chicago, IL 60661. On information and belief, Motorola acquired the other Defendants in 2018.

24 6. On information and belief, Defendant Avigilon Corporation (“Avigilon”) is a  
25 Canadian corporation and subsidiary of Motorola with principal place of business at 555 Robson St.  
26 3rd Floor, Vancouver, British Columbia, V6B 1A6 Canada.

27  
28



1 [of-san-francisco%E2%80%99s-historic-union-square](#)), including through its Regional Sales  
2 Director, William Kennedy. Avigilon also partners with multiple companies located in this District  
3 (see <https://www.avigilon.com/how-to-buy/partner-locator>) in order to provide integrated solutions  
4 to customers located in California (see, e.g., [https://www.avigilon.com/partners/technology-partner-](https://www.avigilon.com/partners/technology-partner-program)  
5 program). Further, Avigilon, AFC, APHC, and ATC are foreign corporations that do not reside in  
6 the United States and, therefore, may be sued in any United States judicial district, including this  
7 District.

8 13. An actual, substantial, and justiciable controversy exists between Verkada and  
9 Defendants as to whether Verkada infringes the Asserted Patents. On August 9, 2021, Defendants  
10 filed a complaint with the USITC (the “USITC Complaint”) under Section 337 of the Tariff Act of  
11 1930. The USITC Complaint alleges the Verkada infringes the Asserted Patents through the  
12 manufacture and importation of certain video security equipment and systems, related software,  
13 components thereof, and products containing the same, including Verkada’s Dome, Mini, Fisheye,  
14 Bullet, and D-Series series of products. A true and correct copy of the USITC Complaint is attached  
15 hereto as Exhibit D.

#### 16 **INTRADISTRICT ASSIGNMENT**

17 14. Pursuant to Civil L.R. 3-2(c) and 3-5(b), this is an Intellectual Property Rights Action  
18 subject to assignment on a district-wide basis.

#### 19 **FACTUAL BACKGROUND**

20 15. Plaintiff Verkada is a startup company based in San Mateo, California and founded  
21 in 2016 by computer scientists and security experts who graduated from Stanford University and  
22 the former co-founder and Chief Operating Officer of enterprise Wi-Fi startup, Meraki, which was  
23 acquired by Cisco Systems in 2012. Verkada builds modern security solutions that help enterprises  
24 run safer, smarter buildings, including through Verkada’s line of smart security cameras and  
25 accessories that operate in conjunction with Verkada’s intelligent, cloud-based software.

26 16. Since its founding in 2016, Verkada has grown rapidly and continues to gain and  
27 grow its share of the enterprise physical security market. Indeed, more than 6,000 organizations,  
28 including over thirty Fortune 500 companies, use Verkada to protect people and assets, secure

1 facilities, and gain new insights that improve the efficiency of their operations. Verkada's vision is  
2 to be the operating system that runs every building in the world.

3 17. Competitors, such as Avigilon, have taken note. Instead of competing with Verkada  
4 in the market, Defendants have sought to effectively shut Verkada's business down. On August 9,  
5 2021, Motorola, in conjunction with Avigilon and their related subsidiaries (i.e., the Defendants),  
6 filed the USITC Complaint seeking to exclude importation of Verkada's entire current line of  
7 security cameras as allegedly infringing Defendants' Asserted Patents. *See* Exh. D. Defendants  
8 have also asked the USITC to issue permanent cease and desist orders preventing Verkada "from  
9 marketing, distributing, selling, offering for sale, warehousing inventory for distribution, or  
10 otherwise transferring or importing into the United States the infringing video security equipment  
11 and systems, related software, components thereof, and/or products containing same." *Id.*

12 18. In the USITC Complaint, Defendants accuse the Verkada Dome Series, the Verkada  
13 Mini Series, the Verkada Fisheye Series, the Verkada Bullet Series, and the Verkada D-Series of  
14 security cameras of infringing the following claims and patents: 1) claims 1-4 and 6-36 of the '912  
15 Patent; 2) claims 1-4, 6, 7, 10-13, 15, 16, 19-21, 25, 26, and 29 of the '607 Patent; and 3) claims 1-  
16 16 of the '312 Patent.

17 19. Verkada denies Defendants' allegations and, thus, there is a substantial and present  
18 controversy between Verkada and Defendants. Verkada and Defendants have adverse legal interests  
19 with respect to the question of infringement of the Asserted Patents. Given the above, this dispute  
20 between Verkada and Defendants is immediate and real.

### 21 ASSERTED PATENTS

22 20. The '912 Patent, entitled "Video Surveillance System Employing Video Primitives,"  
23 issued on January 11, 2011, based on U.S. Patent Application No. 11/098,385, filed on April 5,  
24 2005. The '912 Patent is a continuation-in-part of U.S. Patent Application No. 11/057,154, filed on  
25 February 15, 2005, which is a continuation-in-part of U.S. Patent Application No. 09/987,707, filed  
26 on November 15, 2001 and now abandoned, which is a continuation-in-part of U.S. Patent  
27 Application No. 09/694,712, filed on October 24, 2000 and now U.S. Patent No. 6,954,498.  
28 According to Defendants, AFC is the owner and assignee of the '912 Patent.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.