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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

SMART IRRIGATION SOLUTIONS INC., Plaintiff, vs. HUNTER INDUSTRIES INCORPORATED, Defendant.
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CASE NO.

**COMPLAINT FOR
INFRINGEMENT OF
U.S. PATENT NO. 6,892,113 B1**

JURY TRIAL DEMANDED

1 Plaintiff SMART IRRIGATION SOLUTIONS INC. files its Complaint
2 against Defendant HUNTER INDUSTRIES INCORPORATED, alleging as
3 follows:

4 **THE PARTIES**

5 1. Plaintiff SMART IRRIGATION SOLUTIONS INC. (“Smart Irrigation”) is a
6 corporation organized and existing under the laws of the State of California with its
7 principle place of business at 600 Anton, Blvd., Suite 1350, Costa Mesa, CA
8 92626.

9 2. Upon information and belief HUNTER INDUSTRIES
10 INCORPORATED (“Hunter”) is a corporation organized and existing under the
11 laws of the State of Delaware, with its principal place of business in San Marcos,
12 CA. Hunter may be served with process through its registered agent Stephanie C.
13 Brownell, 1940 Diamond Street, San Marcos, CA 92078.

14 **JURISDICTION AND VENUE**

15 3. This is an action for infringement of United States patents. This Court
16 has exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

17 4. Upon information and belief, HUNTER is subject to personal
18 jurisdiction by this Court. Hunter has committed such purposeful acts and/or
19 transactions in the State of California that it reasonably knew and/or expected that
20 it could be haled into a California court as a future consequence of such activity.
21 Hunter makes, uses, and/or sells infringing products, specifically irrigation
22 controllers and sensors, within the Central District of California and has a
23 continuing presence and the requisite minimum contacts with the Central District
24 of California, such that this venue is a fair and reasonable one. Upon information
25 and belief, Hunter has transacted and, at the time of the filing of this Complaint, is
26 continuing to transact business within the Central District of California. For all of
27 these reasons, personal jurisdiction exists and venue is proper in this Court under
28 28 U.S.C. §§ 1391(b)(1), (2) and (c)(2) and 28 U.S.C. § 1400(b).

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2 **PATENT-IN-SUIT**

3 5. On May 10, 2005, United States Patent No. 6,892,113 B1 (“the ‘113
4 Patent” or the “Patent-in-Suit”) was duly and legally issued for “IRRIGATION
5 CONTROLLER USING REGRESSION MODEL.” A true and correct copy of the
6 ‘113 Patent is attached hereto as Exhibit A and made a part hereof.

7 6. One of the named inventors of the ‘113 Patent is John Addink, Ph.D.
8 Mr. Addink is the founder of Aqua Conserve, Inc., an entity that formerly owned
9 the ‘113 Patent and a well-known manufacturer of irrigation controllers. With
10 educational training and long-time experience in the irrigation space as an
11 irrigation engineer, Mr. Addink was searching for a way to most efficiently solve
12 the problem of inefficient watering of lawns and landscapes in the California
13 climate. Existing systems at that time allowed for limiting or increasing run times
14 with a fixed schedule, and more sophisticated systems gathered and used limited,
15 costly sensor data, but were inefficient and complicated. Mr. Addink and his
16 brother, Mr. Sylvan Addink, conceived of, and later actually implemented
17 irrigation controllers that could run regression models comparing historical and
18 current environmental conditions and program watering schedules accordingly.

19 7. As it pertains to this lawsuit, the ‘113 Patent, very generally speaking,
20 relates to methods and irrigation system controllers with the capability of utilizing
21 connective, local sensory input with mathematical regression analysis to calculate
22 the local evapotranspiration rate (the combination of evaporation and plant
23 transpiration), and through comparisons to historical environmental data, save
24 water through optimizing landscape irrigation schedules based on that information.

25 8. More specifically, the sole independent claim of the ‘113 Patent
26 discloses an irrigation controller comprising a memory storing a mathematical
27 regression model based upon historical evapotranspiration data, a local weather
28 sensor that gathers variable information about current, local environmental factors

1 effecting weather conditions, and a microprocessor that utilizes both sets of
2 information to calculate the current evapotranspiration rate, compare that current
3 rate to historical rates, and then determine a proper watering schedule based on that
4 comparison. Certain dependent claims therein specify certain aspects of the
5 regression model or environmental factors utilized by the irrigation controller.

6 **FIRST CLAIM FOR RELIEF**

7 **(Patent Infringement)**

8 9. Smart Irrigation repeats and realleges every allegation set forth above.

9 10. Smart Irrigation is the owner of the '113 Patent with the exclusive
10 right to enforce the '113 Patent against infringers, and collect damages for all
11 relevant times, including the right to prosecute this action.

12 11. Upon information and belief, Hunter is liable under 35 U.S.C. §271(a)
13 for direct infringement of the '113 Patent because it manufactures, makes, has
14 made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers
15 for sale products and/or systems that practice one or more claims of the '113
16 Patent.

17 12. More specifically, Hunter infringes the '113 Patent because it makes,
18 uses, sells, and offers for sale irrigation controllers with the capability of
19 incorporating current, local environmental sensor data and perform a regression
20 analysis utilizing that data to optimize landscape irrigation solutions for given
21 geographical areas. Specifically, Hunter's (1) X-Core Irrigation Controller; (2)
22 Pro-C Irrigation Controller (both the PC-Series and PCC-Series); (3) I-Core
23 Irrigation Controller; (4) ICC Irrigation Controller; (5) ACC Irrigation Controller;
24 and (6) ACC-99D Irrigation Controller, all when utilized along with the Hunter
25 Solar Sync ET Sensor and System, at a minimum, in the past have directly literally
26 infringed (or in the alternative have infringed under the doctrine of equivalents)
27 and continue to directly, literally infringe (or in the alternative infringe under the
28 doctrine of equivalents) at least claim 1 of the '113 Patent.

1 13. The Hunter Solar Sync ET Sensor gathers solar and temperature data
2 utilized by these Irrigation Controllers, which either have the Solar Sync software
3 built in or require a module to communicate with the Solar Sync ET Sensor, to
4 calculate evapotranspiration rates, using the same to adjust the programmed
5 watering run times.

6 14. Any other irrigation controllers made, used, sold, or offered for sale
7 by Hunter that operate with a local sensor in a similar manner to those irrigation
8 controllers and sensors specifically included herein also have directly infringed (or
9 have infringed under the doctrine of equivalents) and/or continue to directly
10 infringe (or infringe under the doctrine of equivalents) at least claim 1 of the ‘113
11 Patent.

12 15. Hunter has actual notice of the ‘113 Patent at least as early as the
13 filing of this Complaint.

14 16. Smart Irrigation has been damaged as a result of Hunter’s infringing
15 conduct. Hunter is, thus, liable to Smart Irrigation in an amount that adequately
16 compensates Smart Irrigation for Hunter’s infringement, which, by law, cannot be
17 less than a reasonable royalty, together with interest and costs as fixed by this
18 Court under 35 U.S.C. § 284.

19 **PRAYER FOR RELIEF**

20 Smart Irrigation requests that the Court find in its favor and against Hunter,
21 and that the Court grant Smart Irrigation the following relief:

- 22 a. Judgment that one or more claims of the ‘113 Patent have been
23 infringed, either literally and/or under the doctrine of equivalents, by
24 Hunter;
- 25 b. Judgment that Hunter account for and pay to Smart Irrigation all
26 damages to and costs incurred by Smart Irrigation because of Hunter’s
27 infringing activities and other conduct complained of herein;
- 28 c. That Hunter, its officers, agents, servants and employees, and those

1 persons in active concert and participation with any of them, be
2 permanently enjoined from infringement of the '113 Patent. In the
3 alternative, if the Court finds that an injunction is not warranted,
4 Smart Irrigation requests an award of post judgment royalty to
5 compensate for future infringement;

6 d. That Smart Irrigation be granted pre-judgment and post-judgment
7 interest on the damages caused to it by reason of Hunter's infringing
8 activities and other conduct complained of herein;

9 e. That this Court declare this an exceptional case and award Smart
10 Irrigation its reasonable attorney's fees and costs in accordance with
11 35 U.S.C. § 285; and

12 f. That Smart Irrigation be granted such other and further relief as the
13 Court may deem just and proper under the circumstances.

14 **JURY DEMAND**

15 Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal
16 Rules of Civil Procedure.

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DATED: January 16, 2015.

/s/ Brandon C. Fernald

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