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11 Attorneys for Plaintiff
12 FURY TECHNOLOGIES LLC

13 **IN THE UNITED STATES DISTRICT COURT**

14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

15 **FURY TECHNOLOGIES LLC,**

16 Plaintiff,

17 v.

18 **DJI TECHNOLOGY, INC.,**

19 Defendant.

Civil Action No.:

TRIAL BY JURY DEMANDED

20 **COMPLAINT FOR INFRINGEMENT OF PATENT**

21 Now comes Plaintiff, Fury Technologies LLC (“Plaintiff” or “Fury”), by and
22 through undersigned counsel, and respectfully alleges, states, and prays as follows:
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NATURE OF THE ACTION

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 United States Code (“U.S.C.”) to prevent and enjoin Defendant DJI Technology, Inc. (hereinafter “Defendant”), from infringing and profiting, in an illegal and unauthorized manner, and without authorization and/or consent from Plaintiff from U.S. Patent No 8,965,598 (“the ‘598 Patent”) and U.S. Patent No. 9,352,833 (“the ‘833 Patent”) (collectively the “Patents-in-Suit”), which are attached hereto as Exhibits A and B, respectively, and incorporated herein by reference, and pursuant to 35 U.S.C. §271, and to recover damages, attorney’s fees, and costs.

THE PARTIES

2. Plaintiff is a Texas limited liability company with its principal place of business at 6009 West Parker Road – Suite 149-1089, Plano, Texas 75093.

3. Upon information and belief, Defendant is a corporation organized under the laws of California, having a principal place of business at 201 South Victory Boulevard, Burbank, California 91502. Upon information and belief, Defendant may be served with process c/o CT Corporation System, 818 West Seventh Street – Suite 930, Los Angeles, California 90017.

4. Plaintiff is further informed and believes, and on that basis alleges, that Defendant operates the website enterprise.dji.com. Defendant derives a portion of its revenue from sales and distribution via electronic transactions conducted on and

1 using at least, but not limited to, its Internet website located at enterprise.dji.com,
2 and its incorporated and/or related systems (collectively the “DJI Website”).
3 Plaintiff is informed and believes, and on that basis alleges, that, at all times relevant
4 hereto, Defendant has done and continues to do business in this judicial district,
5 including, but not limited to, providing products/services to customers located in
6 this judicial district by way of the DJI Website.
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9 **JURISDICTION AND VENUE**

10 5. This is an action for patent infringement in violation of the Patent Act
11 of the United States, 35 U.S.C. §§1 *et seq.*
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13 6. The Court has subject matter jurisdiction over this action pursuant to 28
14 U.S.C. §§1331 and 1338(a).
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16 7. This Court has personal jurisdiction over Defendant by virtue of its
17 systematic and continuous contacts with this jurisdiction and its residence in this
18 District, as well as because of the injury to Plaintiff, and the cause of action Plaintiff
19 has risen in this District, as alleged herein.
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21 8. Defendant is subject to this Court’s specific and general personal
22 jurisdiction pursuant to its substantial business in this forum, including: (i) at least a
23 portion of the infringements alleged herein; (ii) regularly doing or soliciting
24 business, engaging in other persistent courses of conduct, and/or deriving substantial
25 revenue from goods and services provided to individuals in this forum state and in
26 this judicial District; and (iii) being incorporated in this District.
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1 9. Venue is proper in this judicial district pursuant to 28 U.S.C. §1400(b)
2 because Defendant resides in this District under the Supreme Court’s opinion in *TC*
3 *Heartland v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017) through its
4 incorporation, and regular and established place of business in this District.
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6 **FACTUAL ALLEGATIONS**

7 10. On February 24, 2015, the United States Patent and Trademark Office
8 (“USPTO”) duly and legally issued the ‘598 Patent, entitled “AUTOMATIC
9 FLIGHT CONTROL FOR UAV BASED SOLID MODELING” after a full and fair
10 examination. The ‘598 Patent is attached hereto as Exhibit A and incorporated
11 herein as if fully rewritten.
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14 11. Plaintiff is presently the owner of the ‘598 Patent, having received all
15 right, title and interest in and to the ‘598 Patent from the previous assignee of
16 record. Plaintiff possesses all rights of recovery under the ‘598 Patent, including the
17 exclusive right to recover for past infringement.
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19 12. To the extent required, Plaintiff has complied with all marking
20 requirements under 35 U.S.C. § 287.
21

22 13. The invention claimed in the ‘598 Patent comprises an automatic
23 unmanned aerial vehicle (UAV) flight control system for solid modeling.
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25 14. Claim 1 of the ‘598 Patent recites an automatic aerial vehicle (UAV)
26 flight control system for solid modeling.
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28 15. Claim 1 of the ‘598 Patent states:

1 “1. An automatic unmanned aerial vehicle (UAV) flight
2 control system for Solid modeling, the system comprising:
3 a UAV with an onboard camera;
4 a controller capable of communication with a flight control
5 module of the UAV, the controller configured to:
6 determine an initial movement path based on an estimate
7 of a structure to be modeled;
8 capture images of the structure to be modeled;
9 form surface hypotheses for unobserved surfaces based
10 on the captured images;
11 determine missing Surface information from the Surface
12 hypotheses; and
13 determine a least impact path for the UAV based on the
14 missing Surface information and desired flight param-
15 eters.” See Exhibit A.

16 16. Defendant commercializes, inter alia, methods that perform all the steps
17 recited in at least one claim of the ‘598 Patent. More particularly, Defendant
18 commercializes, inter alia, methods that perform all the steps recited in Claim 1 of
19 the ‘598 Patent. Specifically, Defendant makes, uses, sells, offers for sale, or
20 imports a UAV device that encompasses that which is covered by Claim 1 of the
21 ‘598 Patent.

22 17. On May 31, 2016, the United States Patent and Trademark Office
23 (“USPTO”) duly and legally issued the ‘833 Patent, entitled “AUTOMATIC
24 FLIGHT CONTROL FOR UAV BASED SOLID MODELING” after a full and fair
25 examination. The ‘833 Patent is attached hereto as Exhibit B and incorporated
26 herein as if fully rewritten.
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