

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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SOTER TECHNOLOGIES, LLC,	:
	:
PLAINTIFF,	:
	:
V.	: Civ No.:
	:
IP VIDEO CORPORATION, A+ TECHNOLOGY	:
& SECURITY SOLUTIONS, INC., HALO SMART	:
SOLUTIONS, INC. & ADVANCE	:
CONVERGENCE GROUP, INC.	:
	:
DEFENDANTS.	:
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COMPLAINT

Plaintiff Soter Technologies LLC (“Soter”), by and through its undersigned counsel, hereby files this Complaint against IP Video Corporation, A+ Technology & Security Solutions, Inc., Halo Smart Solutions, Inc., and Advance Convergence Group (collectively “Defendants”):

NATURE OF THE ACTION

1. Soter is the owner of U.S. Patent No. 10,699,549 (“the ‘549 Patent”) protecting FlySense®—the world’s first vape detecting sensor device. FlySense® protects our nation’s children by helping authorities control the vaping and bullying crisis facing today’s youth.
2. Defendants are infringing the ‘549 Patent by making, using, selling, and offering for sale a vape detecting sensor device (“HALO Device”), inducing customers including school districts across the country to infringe, and contributing to infringement by third parties.
3. Defendants have been so bold as to state that if their activities with regard to HALO indeed lead to infringement of Soter’s patent—that a school using their HALO Device should be sued—rather than Defendants. As a result, multiple schools are at risk of Defendants shifting the

blame (and the cost) for their infringing acts onto them, including the Uniondale School District right here in the Eastern District of New York.

4. Upon information and belief, Defendants continue to offer the HALO Device for sale, since the issuance of the '549 Patent.

5. Defendants will continue to irreparably harm Soter until they are stopped by this Court.

THE PARTIES

6. Soter is a limited liability company organized under the laws of New York with a principal place of business at 113 Comac Street, Ronkonkoma, New York 11779.

7. Soter uses advanced sensor and software technology to solve public health and safety problems such as vaping and bullying, and to deliver innovative solutions for environmental and social intelligence to make the world a safer place.

8. The name "Soter" was inspired by Greek mythology, wherein Soter personifies safety, deliverance and preservation from harm.

9. Since the company's inception, Soter has remained focused on pioneering new technology to keep people safe.

10. For example, Soter was the first to help schools with vape detection and prevention. It was also the first to create a full body health scanner called SymptomSense™ in response to the current COVID 19 public health crisis.

11. Soter sells vape detecting sensor products to schools and institutions in corporate America such as insurance companies and Lyft, the ridesharing company.

12. Soter assists its school customers not only with vape and bullying detection and prevention, but also in aggregating data to help them safely open amidst the COVID 19 pandemic.

13. Soter's approach to vape detection and prevention involves using both technology and education. In addition to its own educational initiatives, Soter supports other organizations that educate others about the dangers of vaping including: (a) PAVE (Parents Against Vaping E-cigarettes); (b) ConsumerNotice.org; (c) Flavor Shook Kids; (d) Yale University's Center for Health & Learning Games; (e) Stanford Medicine's Modules for Tobacco and Nicotine Education; (f) DoSomething.org; (g) ShapeAmerica.org; (h) Prevention for Me; (i) ijustdidn'tknow.org; (j) Sunshine Behavioral Health; and (k) addictioncenter.com.

14. Upon information and belief, Defendant IP Video Corporation is a New York corporation organized under the laws of the State of New York with a principal place of business at 1490 N. Clinton Avenue, Bay Shore, New York 11706.

15. Upon information and belief, Defendant A+ Technology & Security Solutions, Inc. is a New York corporation organized under the laws of the State of New York with a principal place of business at 1490 N. Clinton Avenue, Bay Shore, New York 11706.

16. Upon information and belief, Defendant Halo Smart Solutions, Inc. is a New York corporation organized under the laws of the State of New York with a principal place of business at 1490 N. Clinton Avenue, Bay Shore, New York 11706.

17. Defendant Halo Smart Solutions Inc. ("HSS") resides at the same address as the other three Defendants. HSS is pursuing patent rights on a device that detects at least vaping.

18. Upon information and belief, Defendant Advance Convergence Group, Inc. is a Delaware corporation with a principal place of business at 1490 N. Clinton Avenue, Bay Shore, New York 11706.

19. Defendants conspire with one another to make, sell, offer for sale and distribute the infringing HALO Device. As reported by Newsday:

[T]he Halo Smart Sensor produced by Advance Convergence Group and affiliates IP Video Corp. and A+ Technology & Security Solutions Inc.- can be installed in high school bathrooms.¹

20. Defendant IP Video Corporation advertises the infringing HALO Device on its website and exhibits HALO at trade shows across the United States, including in New York.

21. Defendant A+ Technology & Security Solutions Inc. advertises the infringing HALO Device on its website.²

22. Defendant Advance Convergence Group (“ACG”) advertises the infringing HALO Device on its website.³

23. All three companies share office locations, resources and executives. For example, according to Defendants’ marketing materials and social media posts, David Antar is a top executive at all three entities—serving as President of IP Video Corporation and A+ Technology & Security Solutions Inc. and as Chief Executive Officer of ACG.

24. Further, all Defendants reside at the same Bay Shore location.

25. Upon information and belief, Defendants’ operations are international and they are engaged in interstate and foreign commerce.

JURISDICTION AND VENUE

26. The court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338 because this case arises under the United States Patent Laws, 35 U.S.C. § 271 et seq. and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

¹ See “LI Firms make devices to help detect vaping use in schools,” <https://www.newsday.com/business/technology/vaping-schools-students-sensors-1.35657330> (last visited June 29, 2020).

² See VAPE & THC detection, Air Quality & Environmental Monitoring, Chemical Detection, Privacy Area Security, available at <https://aplustechnology.com/halo/> (last visited June 4, 2020).

³ See <http://advanceconvergence.com/> (last visited June 29, 2020).

27. Venue is proper in this district under 28 U.S.C. §§ 1400(b) and 1391(b)(1) and (2) because this is a judicial district in which all Defendants reside and because a substantial part of the events or omissions giving rise to Plaintiff's claim occurred in this district.

28. This court has personal jurisdiction over Defendants because each of them has a principal place of business in New York, in this District.

29. Defendants have had actual notice of the '549 Patent since at least July 1, 2020.

30. Nevertheless they continue to (i) offer for sale their HALO Device to schools across the country including this district since the '549 Patent issued and during the term of the patent; (ii) continue to use Plaintiff's invention to perform vape detection in a way that violates the '549 Patent since the '549 Patent issued and during the term of the patent; (iii) continue to make infringing HALO Devices during the term of the patent; and (iv) continue to induce others to infringe during the term of the patent.

31. On information and belief, Defendants are using and intend to continue using Plaintiff's invention during the term of the '549 Patent.

32. Despite notice of the '549 Patent, Defendants intend to continue to induce others to infringe the '549 Patent, including the Uniondale School District.

33. Despite notice of the '549 Patent, Defendants intend to continue to contribute to the infringement by others, during the term of the '549 Patent.

34. Defendants have stated publicly that any infringing use of HALO Devices by school districts constitute infringement by them, but not Defendants. For example, in the case of the White Plains School District, Defendants have represented that it is White Plains, but not Defendants, that is infringing the '549 Patent by using the HALO Device made and sold by Defendants.

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