BRANDON C. FERNALD
FERNALD LAW GROUP
510 West Sixth Street, Suite 700
Los Angeles, California 90014
Telephone: 323-410-0320
Facsimile: 323-410-0330
Email: brandon.fernald@fernaldlawgroup.com

JONATHAN T. SUDER (*Pro Hac Vice To Be Filed*)
DECKER A. CAMMACK (*Pro Hac Vice To Be Filed*)
TODD I. BLUMENFELD (*Pro Hac Vice To Be Filed*)
FRIEDMAN, SUDER & COOKE
Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200
Fort Worth, Texas 76102
Telephone: (817) 334-0400
Facsimile: (817) 334-0401
Email: jts@fsclaw.com
Email: cammack@fsclaw.com
Email: blumenfeld@fsclaw.com

Attorneys for Plaintiff
SMART IRRIGATION SOLUTIONS INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

SMART IRRIGATION SOLUTIONS INC., Plaintiff, vs. HUNTER INDUSTRIES INCORPORATED, Defendant.	CASE NO. **COMPLAINT FOR INFRINGEMENT OF U.S. PATENT NO. 6,892,113 B1** **JURY TRIAL DEMANDED**

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

THE PARTIES

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

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

JURISDICTION AND VENUE

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

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

PATENT-IN-SUIT

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

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

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

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

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

FIRST CLAIM FOR RELIEF

(Patent Infringement)

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

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

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

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

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

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

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

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

PRAYER FOR RELIEF

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

a. Judgment that one or more claims of the '113 Patent have been infringed, either literally and/or under the doctrine of equivalents, by Hunter;

b. Judgment that Hunter account for and pay to Smart Irrigation all damages to and costs incurred by Smart Irrigation because of Hunter's infringing activities and other conduct complained of herein;

c. That Hunter, its officers, agents, servants and employees, and those

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

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

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

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

JURY DEMAND

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

DATED: January 16, 2015.

/s/ Brandon C. Fernald

BRANDON C. FERNALD
FERNALD LAW GROUP
510 West Sixth Street, Suite 700
Los Angeles, California 90014
Telephone: 323-410-0320
Facsimile: 323-410-0330
Email: brandon.fernald@fernaldlawgroup.com

Attorney for Plaintiff
SMART IRRIGATION
SOLUTIONS, INC.

Of Counsel:

Jonathan T. Suder
Decker A. Cammack
Todd I. Blumenfeld
FRIEDMAN, SUDER & COOKE
Tindall Square Warehouse No. 1
604 East 4th Street, Suite 200
Fort Worth, Texas 76102
Telephone: (817) 334-0400
Facsimile: (817) 334-0401
Email: jts@fsclaw.com
Email: cammack@fsclaw.com
Email: blumenfeld@fsclaw.com