IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

NOVELPOINT TRACKING LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	) Civil Action No. _____	
	)	
CATERPILLAR INC.,	) **JURY TRIAL DEMANDED**	
	)	
Defendant.	)	
	)	

COMPLAINT

For its Complaint, Plaintiff NovelPoint Tracking LLC ("NPT"), by and through

the undersigned counsel, alleges as follows:

THE PARTIES

1.   NPT is a Texas limited liability company with a place of business located

at 3400 Silverstone Drive, Suite 191C, Plano, Texas 75023.

2.   Defendant Caterpillar Inc. ("Defendant") is a Delaware corporation with,

upon information and belief, a place of business located at 100 N.E. Adams, Peoria,

Illinois 61629.

JURISDICTION AND VENUE

3.   This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

4.   Subject matter jurisdiction is proper in this Court under 28 U.S.C.

§§ 1331 and 1338.

5.   Upon information and belief, Defendant conducts substantial business in

this forum, directly or through intermediaries, including: (i) at least a portion of the

infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in

other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

6. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENT-IN-SUIT

7. On August 27, 2002, United States Patent No. 6,442,485 (the "'485 patent"), entitled "Method and Apparatus for an Automatic Vehicle Location, Collision Notification, and Synthetic Voice" was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '485 patent is attached hereto as Exhibit A.

8. NPT is the assignee and owner of the right, title and interest in and to the '485 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,442,485

9. NPT repeats and realleges the allegations of paragraphs 1 through 8 as if fully set forth herein.

10. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '485 patent by making, using, offering for sale, and/or selling within this district and elsewhere in the United States and/or importing into this district and elsewhere in the United States, products or services related to global positioning systems, including but not limited to the AccuGrade GPS.

11. NPT is entitled to recover from Defendant the damages sustained by NPT as a result of Defendant's infringement of the '485 patent in an amount subject to proof at trial, 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

WHEREFORE, NPT requests that this Court enter judgment against Defendant as follows:

A.   An adjudication that Defendant has infringed the '485 patent;

B.   An award of damages to be paid by Defendant adequate to compensate NPT for Defendant's past infringement of the '485 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C.   A declaration that this case is exceptional under 35 U.S.C. § 285 and an award of NPT's reasonable attorneys' fees; and

D.   An award to NPT of such further relief at law or in equity as the Court deems just and proper.

Dated: November 6, 2013

/s/Andrew W. Spangler
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