

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Centrak, Inc.

Plaintiff,

v.

Sonitor Technologies, Inc.,  
Sonitor Technologies, AS,

Defendants.

C. A. No. 1:14-cv-183(RGA)

JURY TRIAL DEMANDED

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT,  
DECLARATORY AND INJUNCTIVE RELIEF**

Centrak, Inc. (“Plaintiff” or “Centrak”) demands a jury trial and complains against Sonitor Technologies, Inc. and Sonitor Technologies, AS (“Sonitor Inc.”, “Sonitor AS”, and collectively, “Sonitor” or “Defendants,” respectively) as follows:

**THE PARTIES**

1. Plaintiff Centrak is a corporation organized under the laws of the State of Delaware, and having a place of business at 125 Pheasant Run, Newtown, PA 18940.

2. Upon information and belief, Defendant Sonitor Inc. is a corporation organized under the laws of the State of Delaware, having its U.S. corporate headquarters at 1010 Washington Blvd, Stamford, CT 06901.

3. Upon information and belief, Defendant Sonitor Inc. is a subsidiary of Defendant Sonitor AS, a corporation based in Oslo, Norway, at Forskningsveien 1B, Oslo, Norway, Postcode 0373.

4. Plaintiff Centrak and Defendants Sonitor are direct competitors in manufacturing

and sales of the Real Time Locating Systems (“RTLS”) for locating and tracking of various assets, equipment, tagged items and other things or persons through the efficient use of wireless (WiFi) networks and use of precise ultrasound positioning.

5. Among other things, both Plaintiff Centrak and Defendants Sonitor offer competing RTLS systems and wireless positioning and location tags for use with WiFi and RTLS systems.

6. Both Plaintiff Centrak and Defendants Sonitor have competed for the same contract with at least one third party in connection with the sale and delivery of the positioning and location tags and RTLS systems and/or components thereof, for the use by the third party and/or its customers.

### **JURISDICTION AND VENUE**

7. This action arises under the patent laws of the United States of America, Title 35 of the United States Code. This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331 and 1338(a) and supplemental jurisdiction under 28 U.S.C. § 1367.

8. Defendant Sonitor Inc. is incorporated in this District and has committed acts of infringement in this District at least by, inter alia, offering for sale infringing product.

9. Defendant Sonitor AS manufactures and imports infringing product and sells such infringing product in the United States through at least its agent, Sonitor, Inc.;

10. Defendant Sonitor AS specifically appointed Sonitor Inc. as its sales agent and Distributor to sell the infringing product in the United States because Sonitor AS desired that Sonitor Inc. act as its sales representative and agent for infringing products and services.

11. Defendant Sonitor AS also appointed Sonitor Inc. to act as its sales agent for infringing product because Sonitor AS is a manufacturer that desires that the product be sold.

12. Defendant Sonitor AS appointed Sonitor Inc. its agent and distributor to market, sell, and offer for sale both infringing products manufactured by Sonitor AS and sold to Sonitor Inc. for resale, and to directly market and sell infringing services of Sonitor AS.

13. Defendant Sonitor AS appointed Sonitor Inc. as its agent and distributor also because Sonitor AS is also performing services and desires that the services be sold to customers.

14. Sonitor Inc. has offered to sell infringing products in this District, and has also offered to sell Sonitor AS' infringing products and services within this District and both Sonitor Inc. and Sonitor AS have thus committed specific acts of infringement in this District.

15. Sonitor AS has offered and is offering to sell infringing services and products in this District, thus committing specific acts of infringement in this District, either directly or through its agent specifically appointed to do so.

16. Defendant Sonitor AS, supports, maintains, tests and implements, and/or offers to support, maintain, test and implement the infringing RTLS systems or components thereof that are sold and marketed, or offered for sale and marketed, within this District by Defendant Sonitor Inc. and other sales agents and sales representative whom Sonitor AS appoints to sell the infringing products and services.

17. Defendant Sonitor AS is also in control of sales and infringement committed by Sonitor Inc., and requires that Sonitor Inc. provide Sonitor AS with specific records of the sales by Sonitor Inc. of the Sonitor AS products and services that Sonitor sells at the direction of Sonitor AS, so that Sonitor AS can support such products and services.

18. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

19. Defendant Sonitor Inc. is subject to personal jurisdiction in this District by the virtue of the fact that it is incorporated in the State of Delaware and by virtue of the

aforementioned activities.

20. Defendant Sonitor AS is subject to personal jurisdiction in this District by the virtue of having committed acts of infringement in this District either directly and/or through its agents specifically appointed to do so for Sonitor AS, and by virtue of the aforementioned activities.

21. The amount in controversy and damages that Plaintiff is seeking from Defendants exceeds seventy five thousand (\$75,000) U.S. dollars, exclusive of interest.

### **PATENTS AND INFRINGING PRODUCTS**

22. United States Patent No. 8,604,909 (the “Centrak ‘909 Patent”), entitled “Methods and Systems for Synchronized Ultrasonic Real Time Location” was duly and legally issued by the United States Patent and Trademark Office on December 10, 2013 upon the Application No. 12/986,519. A copy of the Centrak ‘909 Patent is attached hereto as Exhibit A.

23. Centrak is the owner by assignment of all right, title and interest in the Centrak ‘909 Patent, including the right to sue for past, present and future infringement.

24. The Centrak ‘909 Patent pertains to a Real Time Location System (RTLS) for locating and identifying portable devices, tagged items or persons in an enclosure.

25. The Centrak ‘909 Patent describes and claims a RTLS and components of a RTLS that utilize both radio frequency (RF) transmissions, more precise ultrasound base stations and multiple portable devices, where the base stations are configured to receive the timing synchronization information and to transmit a corresponding location code in a time period based on the timing synchronization information. The portable devices in such RTLS receive the timing synchronization information and detect the location codes from the ultrasonic base stations and/or transmit output signals to base stations.

26. Among other benefits described in the Centrak '909 Patent, synchronizing the portable devices to detect the location code and/or synchronizing the transmissions from the portable devices significantly increases and improves battery life of the portable devices and improves overall operation of an RTLS.

27. This feature is an important aspect of and an improvement over the existing RTLS.

28. Both Plaintiff Centrak and Defendants Sonitor offer such competing improved RTLS and components thereof to their customers and potential customers.

**COUNT ONE – PATENT INFRINGEMENT**  
**OF THE CENTRAK '909 PATENT**

29. Plaintiff Centrak repeats and incorporates herein the entirety of the allegations contained in the above paragraphs.

30. Defendants Sonitor have been and are engaged in the making, using, marketing, testing, selling, installing, supporting or importing within this District, or offering to make, use, market, test, sell, install, support or import into the United States and the State of Delaware the Sonitor Sense™ RTLS, which includes Sonitor Sense™ Location Transmitters, Sonitor Tag IDs, and other of Sonitor's components and proprietary technology as an integrated solution and/or as components offered by Defendants Sonitor (jointly referred to as "Infringing Products").

31. Defendants Sonitor promote and market the Sonitor Sense™ RTLS and other Infringing Products as "revolutionary" due to the "increased usability, long battery life and decreased Total-Cost-Of- Ownership." See <http://www.sonitor.com/products-sonitor-sense.html>.

32. Defendants Sonitor have been and still are directly infringing claims of the Centrak '909 Patent, including without limitation claims 26 and 1, by, among other things,

manufacturing, using, advertising, marketing, testing, installing, supporting, selling and/or offering to manufacture, use, advertise, market, test, install, support, sell and import, either directly or through other entities, the Infringing Products, including but not limited to products marketed under the name Sonitor Sense™ RTLS, Sonitor Sense™ Location Transmitters and Sonitor Tag IDs for use with Sonitor Sense™ RTLS in the United States of America and the State of Delaware by employing the inventions of the Centrak '909 Patent within the meaning of 35 U.S.C. § 271(a).

33. Among other things, Defendants Sonitor jointly operate an English-language ecommerce and support website at [www.sonitor.com](http://www.sonitor.com). Through its website and other distribution and marketing on-line channels, Defendants Sonitor market, install, support and import, and offer to sell, install, support and import the Infringing Products, including without limitation the Sonitor Sense™ RTLS, Sonitor Sense™ Location Transmitters and/or Sonitor Tag IDs.

34. As a direct and proximate result of Sonitor's infringement, Plaintiff Centrak has suffered, and will continue to suffer, serious irreparable injury unless such infringing activities are enjoined by this Court.

35. In addition, or in the alternative, Centrak is entitled to recover from the Defendants Sonitor the damages adequate to compensate it for Sonitor's infringement, but, in no event, less than a reasonable royalty, in an amount to be proven at trial.

36. Upon information and belief, as a direct and proximate result of Defendants infringing conduct, Defendants have realized and continue to realize profits and other benefits rightfully belonging to Plaintiff Centrak and causing Centrak immediate irreparable harm.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Centrak prays for judgment against Defendants Sonitor and

asks for the following relief:

A. Declaration that Defendants have infringed and are infringing the Centrak '909 Patent, including, but not limited to, claims 26 and 1;

B. Declaration that the Centrak '909 Patent, including but not limited to claims 26 and 1, is valid and enforceable;

C. An accounting for damages under 35 U.S.C. §284 from Defendants for the infringement of the Centrak '909 Patent, and the award of damages ascertained against Defendants in favor of Centrak, together with interest, as provided by law;

D. A preliminary and permanent injunction against Defendants, including each of their officers, agents, servants, employees, and attorneys, all parent, subsidiary and affiliated entities, their assigns and successors in interest, and those persons acting in active concert or participation with them, including distributors and customers, directing them as follows:

(i) barring all manufacturing, use, testing, sales, offering for sale and importation into the United States of Sonitor's Infringing Products;

(ii) barring all promotional, marketing and advertisement activities that constitute either direct or indirect infringement of the Centrak '909 Patent; and

(iii) impounding Defendants' products that infringe the Centrak '909 Patent;

E. Awarding Centrak its actual damages in the form of lost profits and/or reasonable royalties, and Defendants' profits and other benefits related to the infringement of the Centrak '909 Patent, in an amount to be determined at trial;

F. Declaring this case exceptional pursuant to 35 U.S.C. §285 and awarding Centrak its costs and expenses, including reasonable attorneys' fees and legal costs; and

G. Such other and further relief as this Court may deem proper, just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff Centrak demands a trial by jury of all issues properly triable by jury in this action.

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