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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

_____	)	
HOYT A. FLEMING,	)	
	)	Case No. _____
Plaintiff,	)	
v.	)	
	)	
ESCORT INC. AND BELTRONICS USA,	)	COMPLAINT FOR PATENT
INC.	)	INFRINGEMENT
	)	
Defendants.	)	DEMAND FOR JURY TRIAL
	)	
_____	)	

Plaintiff Hoyt A. Fleming (“Mr. Fleming”) brings this action for infringement of U.S. Patent Numbers RE39,038 (“the ’038 patent”) and RE40,653 (“the ’653 patent”) in violation of 35 U.S.C. § 271. Unless otherwise stated, Plaintiff alleges the following upon information and belief.

**THE PARTIES**

1. Mr. Fleming is an individual and resident of the State of Idaho.
2. Defendant Escort Inc. (“Escort”) is an Illinois corporation doing business at 5440 West Chester Road, West Chester, Ohio 45069.
3. Defendant Beltronics USA, Inc. (“Beltronics”) is an Illinois corporation doing business at 5440 West Chester Road, West Chester, Ohio 45069.

4. Defendant Escort makes, uses, sells, offers to sell, and/or imports intelligent radar detectors, including at least the Max 360.
5. Defendant Beltronics makes, uses, sells, offers to sell, and/or imports intelligent radar detectors, including at least the GT-7.
6. Defendant Escort has sold and/or has offered for sale one or more intelligent radar detectors, including at least the Max 360, to one or more customers and/or prospective customers in this District.
7. Defendant Beltronics has sold and/or has offered for sale one or more intelligent radar detectors, including at least the GT-7, to one or more customers and/or prospective customers in this District.
8. Defendant Escort has sold one or more intelligent radar detectors, including at least the Max 360 outside the United States. These sales were at least in part attributable to marketing, sales, and/or distribution efforts by Escort within the United States.
9. Defendant Beltronics has sold one or more intelligent radar detectors, including at least the GT-7 outside the United States. These sales were at least in part attributable to marketing, sales, and/or distribution efforts by Beltronics within the United States.

#### **JURISDICTION AND VENUE**

10. This is an action for patent infringement arising under the Patent Laws of the United States, particularly 35 U.S.C. §§ 271 and 281–285. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1332, and/or 1338.
11. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and/or 1400(b).
12. Defendants Escort and Beltronics previously have invoked the jurisdiction and venue of this Court by filing claims against Mr. Fleming.

**COUNT ONE—INFRINGEMENT OF THE '038 PATENT**

13. Mr. Fleming re-alleges and incorporates by reference paragraphs 1 – 12 above.
14. On March 28, 2006, the United States Patent and Trademark Office (“USPTO”) issued the '038 patent. A true and correct copy of the '038 patent is attached as Exhibit 1.
15. Mr. Fleming is the owner of all right, title, and interest in the '038 patent.
16. Escort and Beltronics previously challenged Mr. Fleming’s ownership of the '038 patent in a prior proceeding and lost that issue on summary judgment.
17. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Micron is the owner or part owner of the '038 patent.
18. Escort and Beltronics are precluded from asserting that Micron is the owner or part owner of the '038 patent.
19. Escort and Beltronics, through agreement of their counsel in a prior proceeding involving the '038 patent, agreed not to challenge Mr. Fleming’s ownership of the '038 patent.
20. Escort and Beltronics are estopped and/or otherwise barred from challenging Mr. Fleming’s ownership of the '038 patent in this proceeding.
21. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid for failure to comply with the requirements of Title 35, United States Code.
22. Escort and Beltronics are precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid for failure to comply with the requirements of Title 35, United States Code.
23. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid due

to double patenting.

24. Escort and Beltronics are precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid due to double patenting.

25. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid due to impermissible recapture.

26. Escort and Beltronics are precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid due to impermissible recapture.

27. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid due to new matter.

28. Escort and Beltronics are precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid due to new matter.

29. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid due to violation of the “same invention” requirement.

30. Escort and Beltronics are precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid due to violation of the “same invention” requirement.

31. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid due to lack of permissible “error”.

32. Escort and Beltronics are precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are invalid due to lack of permissible “error”.

33. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting Mr. Fleming is estopped by prior art and statements he made to the USPTO during the patent reissue process for the '038 patent.

34. Escort and Beltronics are precluded asserting Mr. Fleming is estopped by prior art and statements he made to the USPTO during the patent reissue process for the '038 patent.

35. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting Mr. Fleming is barred from asserting liability for infringement of the '038 patent due to unclean hands, laches, and double patenting.

36. Escort and Beltronics are precluded from asserting Mr. Fleming is barred from asserting liability for infringement of the '038 patent due to unclean hands, laches, and double patenting.

37. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are unenforceable.

38. Escort and Beltronics are precluded from asserting that Claims 3, 5 – 7, and 25 – 28 of the '038 patent are unenforceable.

39. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were not entitled to absolute intervening rights as to Claims 3, 5 – 7, and 25 – 28 of the '038 patent.

40. Escort and Beltronics are precluded from asserting Escort and/or Beltronics are entitled to absolute intervening rights as to Claims 3, 5 – 7, and 25 – 28 of the '038 patent.

41. Escort and Beltronics do not contend that the '038 patent is invalid.

42. Escort and Beltronics do not contend that the '038 patent is unenforceable.

43. Escort and Beltronics do not contend that the '038 patent is not owned by Mr. Fleming.

44. In a prior litigation, a jury found (in July 2012) that the Escort 9500ix and the Beltronics GX65 infringed Claims 3, 5 – 7, and 25 – 28 of the '038 patent.

45. Escort and Beltronics do not contend the Max 360 and/or the GT-7 do not infringe Claims 3, 5 – 7, or 25 – 28 of the '038 patent.

**Claim 1 of the '038 patent:**

46. Escort and Beltronics have known about Claim 1 of the '038 patent since at least 2009.

47. In a prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 1 of the '038.

48. Escort and Beltronics appealed the jury's infringement decision (regarding their infringement of Claim 1 of the '038 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury's infringement finding.

49. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 1 of the '038 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

50. Claim 1 of the '038 patent includes an element calling for "A method, executed by a device having a position, of generating an alert to an incoming radar signal having a frequency and a signal strength". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 1 for infringement purposes.

51. The Max 360 is a device.

52. The Max 360 includes a Telit GPS receiver marked with "15375F0L00882". (This GPS receiver will be referred to hereinafter as the "Max 360 GPS receiver".)

53. The Max 360 GPS receiver determines the Max 360's position.

54. The Max 360 generates an alert to an incoming radar signal having a frequency and a signal strength.

55. For infringement purposes, the Max 360 meets the element of Claim 1 calling for “A method, executed by a device having a position, of generating an alert to an incoming radar signal having a frequency and a signal strength”.

56. The GT-7 is a device.

57. The GT-7 includes a Telit GPS receiver. (The Telit GPS receiver will be referred to hereinafter as the “GT-7 GPS receiver”.)

58. The GT-7 GPS receiver is marked with “15375F0L00882”.

59. The GT-7 GPS receiver determines the GT-7’s position.

60. The GT-7 generates an alert to an incoming radar signal having a frequency and a signal strength.

61. For infringement purposes, the GT-7 meets the element of Claim 1 of the ’038 patent calling for “A method, executed by a device having a position, of generating an alert to an incoming radar signal having a frequency and a signal strength”.

62. Another element of Claim 1 of the ’038 patent calls for “detecting the incoming radar signal”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 1 for infringement purposes.

63. The Max 360 detects incoming radar signals.

64. For infringement purposes, the Max 360 meets the element of Claim 1 of the ’038 patent calling for “detecting the incoming radar signal”.

65. The GT-7 detects incoming radar signals.

66. For infringement purposes, the GT-7 meets the element of Claim 1 of the ’038 patent calling for “detecting the incoming radar signal”.

67. Another element of Claim 1 calls for “determining the position of the device that detected

the incoming radar signal”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 1 for infringement purposes.

68. The Max 360 uses at least a GPS receiver to determine the Max 360’s position.

69. For infringement purposes, the Max 360 meets the element of Claim 1 calling for “determining the position of the device that detected the incoming radar signal”.

70. The GT-7 uses at least a GPS receiver to determine the GT-7’s position.

71. For infringement purposes, the GT-7 meets the element of Claim 1 calling for “determining the position of the device that detected the incoming radar signal”.

72. Another element of Claim 1 calls for “generating an alert if the position of the device is not within a predetermined distance of a predetermined position”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 1 for infringement purposes.

73. The Max 360 Owners Manual states: “ESCORT Max 360 is equipped with a TrueLock GPS Filter to lock out and store in its memory false alerts. To lock out a false alert (X band, K band or laser only), press the MUTE button on the detector or the SmartCord three times during an alert. Pressing the first time will silence the audio. Pressing a second time will generate a prompt on the display that will read “Lockout?” Press a third time to confirm you want to lock this signal out by location and frequency. A “Stored” message will be displayed. Once a signal has been stored, ESCORT Max 360 will reject the signal the next time you approach this area and will display the locked-out alert.”

74. The portion of the Max 360 Owners Manual referenced above in Paragraph 73 accurately describes the operation of the Max 360.

75. The Max 360 stores false alert locations.



76. The Max 360 includes a Freescale processor that is marked with “MK20DX256VLQ10”.

(This processor will be referred to hereinafter as the “Max 360 main processor”.)

77. The Max 360 main processor determines the distance between the location of the Max 360 and an alert location.

78. The Max 360 main processor determines a distance, based upon the speed of the Max 360.

79. The Max 360 main processor compares the distance calculated in Paragraph 77 to the distance determined in Paragraph 78.

80. If the Max 360 main processor determines that the distance of Paragraph 77 is less than the distance of Paragraph 78, then the Max 360 generates a locked-out alert.

81. If the Max 360 main processor determines that the distance of Paragraph 77 is not less than the distance of Paragraph 78, then the Max 360 generates an incoming radar signal alert.

82. For infringement purposes, the Max 360 meets the element of Claim 1 calling for “generating an alert if the position of the device is not within a predetermined distance of a predetermined position”.

83. For infringement purposes, the Max 360 meets all of the elements of Claim 1 of the '038 patent.

84. The GT-7 Quick Reference states: “**Mute** Press to mute an alert; press three times to lock out a false alert”.

85. The portion of the GT-7 Quick Reference referenced above in Paragraph 84 accurately describes the operation of the GT-7.

86. The GT-7 stores false alert locations.

87. The GT-7 includes a Freescale processor that is marked with “MK20DX256VLQ10”.

(This processor will be referred to hereinafter as the “GT-7 main processor”).

88. The GT-7 main processor determines the distance between the location of the GT-7 and a false alert location.

89. The GT-7 main processor determines a distance based upon the speed of the GT-7.

90. The GT-7 main processor compares the distance of Paragraph 88 to the distance of Paragraph 89.

91. If the GT-7 main processor determines that the distance of Paragraph 88 is less than the distance of Paragraph 89, then the GT-7 generates a locked-out alert.

92. If the GT-7 main processor determines that the distance calculated in Paragraph 88 is not less than the distance determined in Paragraph 89, then the Max 360 generates an incoming radar signal visual alert.

93. For infringement purposes, the GT-7 meets the element of Claim 1 calling for “generating an alert if the position of the device is not within a predetermined distance of a predetermined position”.

94. For infringement purposes, the GT-7 meets all of the elements of Claim 1 of the '038 patent.

95. The Max 360 infringes Claim 1 of the '038 patent.

96. The GT-7 infringes Claim 1 of the '038 patent.

**Claim 2 of the '038 patent:**

97. Escort and Beltronics have known about Claim 2 of the '038 patent since at least 2009.

98. In prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 2 of the '038 patent.

99. Escort and Beltronics appealed the jury’s infringement decision (regarding their

infringement of Claim 2 of the '038 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury's infringement finding.

100. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 2 of the '038 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

101. Claim 2 of the '038 patent includes an element calling for "wherein the act of detecting the incoming radar signal includes determining at least one characteristic of the radar signal". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 2 for infringement purposes.

102. The Max 360 Owners Manual states: "The Spec FR1 option is an advanced display for experienced detector users. In this mode, ESCORT Max 360 will display the type and direction of the primary threat (with front and/or rear bar graphs of signal strength), as well as the actual numeric radar frequency being received."

103. The portion of the Max 360 Owners Manual of Paragraph 102 accurately describes the operation of the Max 360.

104. The Max 360 determines at least one characteristic of detected radar signals.

105. The Max 360 determines the frequency of detected radar signals.

106. The Max 360 determines the signal strength of detected radar signals.

107. For infringement purposes, the Max 360 meets the element of Claim 2 calling for "wherein the act of detecting the incoming radar signal includes determining at least one characteristic of the radar signal".

108. For infringement purposes, the Max 360 meets all of the elements of Claim 2 of the '038 patent.

109. The GT-7 Quick Reference states that the GT-7's "Standard" meter mode displays

“Single band with bar graph of signal strength”.

110. The portion of the GT-7 Quick Reference of Paragraph 109 accurately describes the operation of the GT-7.

111. The GT-7 Quick Reference states that the GT-7’s “Tech” meter mode displays “Single band with numeric frequency”.

112. The portion of the GT-7 Quick Reference of Paragraph 111 accurately describes the operation of the GT-7.

113. The GT-7 determines at least one characteristic of detected radar signals.

114. The GT-7 determines the frequency of detected radar signals.

115. The GT-7 determines the signal strength of detected radar signals.

116. For infringement purposes, the GT-7 meets the element of Claim 2 calling for “wherein the act of detecting the incoming radar signal includes determining at least one characteristic of the radar signal”.

117. For infringement purposes, the GT-7 meets all of the elements of Claim 2 of the ’038 patent.

118. The Max 360 infringes Claim 2 of the ’038 patent.

119. The GT-7 infringes Claim 2 of the ’038 patent.

**Claim 3 of the ’038 patent**

120. Escort and Beltronics have known about Claim 3 of the ’038 patent since at least 2009.

121. In prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 3 of the ’038 patent.

122. Escort and Beltronics appealed the jury’s infringement decision (regarding their infringement of Claim 3 of the ’038 patent) to the Court of Appeals for the Federal Circuit,

which affirmed the jury's infringement finding.

123. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 3 of the '038 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

124. Claim 3 of the '038 patent includes an element calling for "wherein the act of determining at least one characteristic of the radar signal includes determining the frequency of the radar signal". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 3 for infringement purposes.

125. The Max 360 Owners Manual states: "The Spec FR1 option is an advanced display for experienced detector users. In this mode, ESCORT Max 360 will display the type and direction of the primary threat (with front and/or rear bar graphs of signal strength), as well as the actual numeric radar frequency being received."

126. The portion of the Max 360 Owners Manual of Paragraph 125 accurately describes the operation of the Max 360.

127. The Max 360 determines the frequency of detected radar signals.

128. For infringement purposes, the Max 360 meets the element of Claim 3 calling for "wherein the act of determining at least one characteristic of the radar signal includes determining the frequency of the radar signal".

129. For infringement purposes, the Max 360 meets all of the elements of Claim 3 of the '038 patent.

130. The GT-7 Quick Reference states that the GT-7's "Tech" meter mode displays "Single band with numeric frequency".

131. The portion of the GT-7 Quick Reference of Paragraph 130 accurately describes the operation of the GT-7.

132. The GT-7 determines the frequency of detected radar signals.

133. For infringement purposes, the GT-7 meets the element of Claim 3 calling for “wherein the act of determining at least one characteristic of the radar signal includes determining the frequency of the radar signal”.

134. For infringement purposes, the GT-7 meets all of the elements of Claim 3 of the '038 patent.

135. The Max 360 infringes Claim 3 of the '038 patent.

136. The GT-7 infringes Claim 3 of the '038 patent.

**Claim 6 of the '038 patent**

137. Escort and Beltronics have known about Claim 6 of the '038 patent since at least 2009.

138. In prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 6 of the '038 patent.

139. Escort and Beltronics appealed the jury’s infringement decision (regarding their infringement of Claim 6 of the '038 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury’s infringement finding.

140. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 6 of the '038 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

141. Claim 6 of the '038 patent includes an element calling for “wherein the act of determining at least one characteristic of the radar signal includes determining the signal strength of the incoming radar signal”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 6 for infringement purposes.

142. The Max 360 Owners Manual states: “The Spec FR1 option is an advanced display for experienced detector users. In this mode, ESCORT Max 360 will display the type and direction

of the primary threat (with front and/or rear bar graphs of signal strength), as well as the actual numeric radar frequency being received.”

143. The portion of the Max 360 Owners Manual of Paragraph 142 accurately describes the operation of the Max 360.

144. The Max 360 determines the signal strength of detected radar signals.

145. For infringement purposes, the Max 360 meets the element of Claim 6 calling for “wherein the act of determining at least one characteristic of the radar signal includes determining the signal strength of the incoming radar signal”.

146. For infringement purposes, the Max 360 meets all of the elements of Claim 6 of the '038 patent.

147. The GT-7 Quick Reference states that the GT-7's “Standard” meter mode displays “Single band with bar graph of signal strength”.

148. The portion of the GT-7 Quick Reference of Paragraph 147 accurately describes the operation of the GT-7.

149. The GT-7 determines the signal strength of detected radar signals.

150. For infringement purposes, the GT-7 meets the element of Claim 6 calling for “wherein the act of determining at least one characteristic of the radar signal includes determining the signal strength of the incoming radar signal”.

151. For infringement purposes, the GT-7 meets all of the elements of Claim 6 of the '038 patent.

152. The Max 360 infringes Claim 6 of the '038 patent.

153. The GT-7 infringes Claim 6 of the '038 patent.

**Claim 7 of the '038 patent**

154. Escort and Beltronics have known about Claim 7 of the '038 patent since at least 2009.

155. In prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 7 of the '038 patent.

156. Escort and Beltronics appealed the jury's infringement decision (regarding their infringement of Claim 7 of the '038 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury's infringement finding.

157. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 7 of the '038 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

158. Claim 7 of the '038 patent includes an element calling for "wherein the act of generating an alert includes generating an alert if the at least one characteristic is not similar to a predetermined characteristic". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 7 for infringement purposes.

159. The Max 360 Owners Manual states: "ESCORT Max 360 is equipped with a TrueLock GPS Filter to lock out and store in its memory false alerts. To lock out a false alert (X band, K band or laser only), press the MUTE button on the detector or the SmartCord three times during an alert. Pressing the first time will silence the audio. Pressing a second time will generate a prompt on the display that will read "Lockout?" Press a third time to confirm you want to lock this signal out by location and frequency. A "Stored" message will be displayed. Once a signal has been stored, ESCORT Max 360 will reject the signal the next time you approach this area and will display the locked-out alert."

160. The portion of the Max 360 Owners Manual of Paragraph 159 accurately describes the operation of the Max 360.

161. The Max 360 generates a locked-out alert if the frequency of an incoming radar signal is



similar to a previously stored false alert frequency.

162. The Max 360 generates a locked-out alert if the frequency of an incoming radar signal is equal to a previously stored false alert frequency.

163. The Max 360 generates an incoming radar signal alert if the frequency of an incoming radar signal is not similar to a previously stored false alert frequency.

164. The Max 360 generates an incoming radar signal alert if the frequency of an incoming radar signal is not equal to a previously stored false alert frequency.

165. For infringement purposes, the Max 360 meets the element of Claim 7 calling for “wherein the act of generating an alert includes generating an alert if the at least one characteristic is not similar to a predetermined characteristic”.

166. For infringement purposes, the Max 360 meets all of the elements of Claim 7 of the '038 patent.

167. The GT-7 generates a locked-out alert if the frequency of an incoming radar signal is similar to a previously stored false alert frequency.

168. The GT-7 generates a locked-out alert if the frequency of an incoming radar signal is equal to a previously stored false alert frequency.

169. The GT-7 generates an incoming radar signal alert if the frequency of an incoming radar signal is not similar to a previously stored false alert frequency.

170. The GT-7 generates an incoming radar signal alert if the frequency of an incoming radar signal is not equal to a previously stored false alert frequency.

171. For infringement purposes, the GT-7 meets the element of Claim 7 calling for “wherein the act of generating an alert includes generating an alert if the at least one characteristic is not similar to a predetermined characteristic”.

172. For infringement purposes, the GT-7 meets all of the elements of Claim 7 of the '038 patent.

173. The Max 360 infringes Claim 7 of the '038 patent.

174. The GT-7 infringes Claim 7 of the '038 patent.

**Claim 25 of the '038 patent**

175. Escort and Beltronics have known about Claim 25 of the '038 patent since at least 2009.

176. In prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 25 of the '038 patent.

177. Escort and Beltronics appealed the jury's infringement decision (regarding their infringement of Claim 25 of the '038 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury's infringement finding.

178. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 25 of the '038 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

179. Claim 25 of the '038 patent includes an element calling for "generating a second alert if the position of the device is within the predetermined distance of the predetermined position". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 1 for infringement purposes.

180. The Max 360 Owners Manual states: "ESCORT Max 360 is equipped with a TrueLock GPS Filter to lock out and store in its memory false alerts. To lock out a false alert (X band, K band or laser only), press the MUTE button on the detector or the SmartCord three times during an alert. Pressing the first time will silence the audio. Pressing a second time will generate a prompt on the display that will read "Lockout?" Press a third time to confirm you want to lock this signal out by location and frequency. A "Stored" message will be displayed. Once a signal

has been stored, ESCORT Max 360 will reject the signal the next time you approach this area and will display the locked-out alert.”

181. The portion of the Max 360 Owners Manual of Paragraph 180 accurately describes the operation of the Max 360.

182. The Max 360 stores false alert locations.

183. The Max 360 main processor determines the distance between the location of the Max 360 and a false alert location.

184. The Max 360 main processor determines a distance, based upon the speed of the Max 360.

185. The Max 360 main processor compares the distance of Paragraph 183 to the distance of Paragraph 184.

186. If the Max 360 main processor determines that the distance of Paragraph 183 is less than the distance of Paragraph 184, then the Max 360 generates a locked-out alert.

187. If the Max 360 main processor determines that the distance of Paragraph 183 is not less than the distance determined in Paragraph 184, then the Max 360 generates an incoming radar signal alert.

188. For infringement purposes, the Max 360 meets the element of Claim 25 calling for “generating a second alert if the position of the device is within the predetermined distance of the predetermined position”.

189. For infringement purposes, the Max 360 meets all of the elements of Claim 25 of the '038 patent.

190. The GT-7 Quick Reference states: “**Mute** Press to mute an alert; press three times to lock out a false alert”.

191. The portion of the GT-7 Quick Reference of Paragraph 190 accurately describes the operation of the GT-7.

192. The GT-7 stores false alert locations.

193. The GT-7 main processor determines the distance between the location of the GT-7 and a false alert location.

194. The GT-7 main processor determines a distance, based upon the speed of the GT-7.

195. The GT-7 main processor compares the distance of Paragraph 193 to the distance of Paragraph 194.

196. If the GT-7 main processor determines that the distance of Paragraph 193 is less than the distance of Paragraph 194, then the GT-7 generates a locked-out alert.

197. If the GT-7 main processor determines that the distance of Paragraph 193 is not less than the distance of Paragraph 194, then the GT-7 generates an incoming radar signal alert.

198. For infringement purposes, the GT-7 meets the element of Claim 25 calling for “generating a second alert if the position of the device is within the predetermined distance of the predetermined position”.

199. For infringement purposes, the GT-7 meets all of the elements of Claim 25 of the '038 patent.

200. The Max 360 infringes Claim 25 of the '038 patent.

201. The GT-7 infringes Claim 25 of the '038 patent.

**Claim 26 of the '038 patent**

202. Escort and Beltronics have known about Claim 26 of the '038 patent since at least 2009.

203. In prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 26 of the '038 patent.

204. Escort and Beltronics appealed the jury's infringement decision (regarding their infringement of Claim 26 of the '038 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury's infringement finding.

205. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 26 of the '038 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

206. Claim 26 of the '038 patent includes an element calling for "storing the position of the device in a memory device". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 26 for infringement purposes.

207. The Max 360 Owners Manual states: "ESCORT Max 360 is equipped with a TrueLock GPS Filter to lock out and store in its memory false alerts. To lock out a false alert (X band, K band or laser only), press the MUTE button on the detector or the SmartCord three times during an alert. Pressing the first time will silence the audio. Pressing a second time will generate a prompt on the display that will read "Lockout?" Press a third time to confirm you want to lock this signal out by location and frequency. A "Stored" message will be displayed. Once a signal has been stored, ESCORT Max 360 will reject the signal the next time you approach this area and will display the locked-out alert."

208. The portion of the Max 360 Owners Manual of Paragraph 207 accurately describes the operation of the Max 360.

209. The Max 360 stores the location of the Max 360 in a memory if a user of the Max 360 depresses the Mute button 3 times.

210. For infringement purposes, the Max 360 meets the element of Claim 26 calling for "storing the position of the device in a memory device".

211. For infringement purposes, the Max 360 meets all of the elements of Claim 26 of the

'038 patent.

212. The GT-7 Quick Reference states: “**Mute** Press to mute an alert; press three times to lock out a false alert”.

213. The portion of the GT-7 Quick Reference of Paragraph 212 accurately describes the operation of the GT-7.

214. The GT-7 stores the location of the GT-7 in a memory if a user of the GT-7 depresses the Mute button 3 times.

215. For infringement purposes, the GT-7 meets the element of Claim 26 calling for “storing the position of the device in a memory device”.

216. For infringement purposes, the GT-7 meets all of the elements of Claim 26 of the '038 patent.

217. The Max 360 infringes Claim 26 of the '038 patent.

218. The GT-7 infringes Claim 26 of the '038 patent.

**Claim 27 of the '038 patent**

219. Escort and Beltronics have known about Claim 27 of the '038 patent since at least 2009.

220. In prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 27 of the '038 patent.

221. Escort and Beltronics appealed the jury’s infringement decision (regarding their infringement of Claim 27 of the '038 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury’s infringement finding.

222. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 27 of the '038 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

223. Claim 27 of the '038 patent includes an element calling for “storing the frequency of the

incoming radar signal in a memory device”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 27 for infringement purposes.

224. The Max 360 Owners Manual states: “ESCORT Max 360 is equipped with a TrueLock GPS Filter to lock out and store in its memory false alerts. To lock out a false alert (X band, K band or laser only), press the MUTE button on the detector or the SmartCord three times during an alert. Pressing the first time will silence the audio. Pressing a second time will generate a prompt on the display that will read “Lockout?” Press a third time to confirm you want to lock this signal out by location and frequency. A “Stored” message will be displayed. Once a signal has been stored, ESCORT Max 360 will reject the signal the next time you approach this area and will display the locked-out alert.”

225. The portion of the Max 360 Owners Manual of Paragraph 224 accurately describes the operation of the Max 360.

226. The Max 360 stores the frequency of a false alert in a memory if a user of the Max 360 depresses the Mute button 3 times.

227. For infringement purposes, the Max 360 meets the element of Claim 27 calling for “storing the frequency of the incoming radar signal in a memory device”.

228. For infringement purposes, the Max 360 meets all of the elements of Claim 27 of the '038 patent.

229. The GT-7 Quick Reference states: “**Mute** Press to mute an alert; press three times to lock out a false alert”.

230. The portion of the GT-7 Quick Reference of Paragraph 229 accurately describes the operation of the GT-7.

231. The GT-7 stores the frequency of a false alert in a memory if a user of the GT-7 depresses the Mute button 3 times.

232. For infringement purposes, the GT-7 meets the element of Claim 27 calling for “storing the frequency of the incoming radar signal in a memory device”.

233. For infringement purposes, the GT-7 meets all of the elements of Claim 27 of the '038 patent.

234. The Max 360 infringes Claim 27 of the '038 patent.

235. The GT-7 infringes Claim 27 of the '038 patent.

**Claim 28 of the '038 patent**

236. Escort and Beltronics have known about Claim 28 of the '038 patent since at least 2009.

237. In prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 28 of the '038 patent.

238. Escort and Beltronics appealed the jury’s infringement decision (regarding their infringement of Claim 28 of the '038 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury’s infringement finding.

239. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 28 of the '038 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

240. Claim 28 of the '038 patent includes an element calling for “storing the signal strength of the incoming radar signal in a memory device”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 28 for infringement purposes.

241. The Max 360 Owners Manual states: “The Spec FR1 option is an advanced display for experienced detector users. In this mode, ESCORT Max 360 will display the type and direction



of the primary threat (with front and/or rear bar graphs of signal strength), as well as the actual numeric radar frequency being received.”

242. The portion of the Max 360 Owners Manual of Paragraph 241 accurately describes the operation of the Max 360.

243. The Max 360 stores the signal strength of detected radar signals in memory.

244. For infringement purposes, the Max 360 meets the element of Claim 28 calling for “storing the signal strength of the incoming radar signal in a memory device”.

245. For infringement purposes, the Max 360 meets all of the elements of Claim 28 of the ’038 patent.

246. The GT-7 Quick Reference states that the GT-7’s “Standard” meter mode displays “Single band with bar graph of signal strength”.

247. The portion of the GT-7 Quick Reference of Paragraph 246 accurately describes the operation of the GT-7.

248. The GT-7 stores the signal strength of detected radar signals in memory.

249. For infringement purposes, the GT-7 meets the element of Claim 28 calling for “storing the signal strength of the incoming radar signal in a memory device”.

250. For infringement purposes, the GT-7 meets all of the elements of Claim 28 of the ’038 patent.

251. The Max 360 infringes Claim 28 of the ’038 patent.

252. The GT-7 infringes Claim 28 of the ’038 patent.

253. In addition to the above Claims that Escort and Beltronics have previously been held to infringe in a prior case, the Max 360 and the GT-7 infringe additional Claims of the ’038 patent.

Escort and Beltronics have no factual basis for contending they do not infringe those other

claims.

254. Escort and Beltronics have infringed and continue to infringe the '038 patent under 35 U.S.C. § 271 by making, using, offering to sell, or selling in the United States, and/or by importing into the United States, without authorization, intelligent radar detectors, such as the Max 360 and/or the GT-7. Further, Escort and Beltronics have infringed and continue to infringe the '038 patent under 35 U.S.C. § 271 by contributing to infringement of that patent by others, and/or inducing others to infringe that patent.

255. Escort and/or Beltronics have offered, and in some cases have provided, indemnity against an infringement suit by Mr. Fleming and/or for patent infringement damages to one or more purchasers and/or resellers of Escort's and/or Beltronics' intelligent radar detectors.

256. Escort's and Beltronics' counsel has acknowledged that one reason Escort and/or Beltronics offered indemnity was to make customers more confident in continuing to sell Escort's and Beltronics' products.

257. As a result of Escort's and Beltronics' infringement of the '038 patent, Mr. Fleming has been damaged and will continue to be damaged unless such infringement is enjoined by this Court.

258. Pursuant to 35 U.S.C. § 284, Mr. Fleming is entitled to damages adequate to compensate for infringement, including, inter alia, a reasonable royalty.

259. Escort and Beltronics are aware that other companies pay Mr. Fleming a royalty of \$25/unit for the use of the '038 patent.

260. Escort and Beltronics have no factual basis for denying that they should pay Mr. Fleming \$25/unit for their use of the '038 patent.

261. Escort and Beltronics had knowledge of and were on notice of the '038 patent prior to the

filing of this complaint.

262. Escort's and Beltronics' infringement of the '038 patent has been and is willful, and renders this case exceptional. Escort and Beltronics have no factual basis for contending their infringement of the '038 patent has not been willful.

263. Escort and Beltronics sought, but failed, to invalidate the '038 patent before the USPTO.

264. The USPTO ruled that certain claims in an Escort patent, which Escort and Beltronics contended represented a prior invention of Mr. Fleming's '038 patent claims, are invalid because Mr. Fleming made the claimed inventions first.

265. Escort and Beltronics did not receive the advice of any lawyer regarding their non-infringement of the '038 patent prior to making, using, selling, offering to sell, and/or importing the Max 360 and/or the GT-7.

266. Escort and Beltronics did not receive the advice of any lawyer regarding the invalidity of the '038 patent prior to making, using, selling, offering to sell, and/or importing the Max 360 and/or the GT-7.

267. Escort and Beltronics did not receive the advice of any lawyer regarding the unenforceability of the '038 patent prior to making, using, selling, offering to sell, and/or importing the Max 360 and/or the GT-7.

268. Escort and Beltronics have no defense to their infringement of the '038 patent.

269. Escort and Beltronics have no factual basis for any defense to their infringement of the '038 patent, as alleged herein.

#### **COUNT TWO—INFRINGEMENT OF THE '653 PATENT**

270. Mr. Fleming re-alleges and incorporates by reference paragraphs 1 – 12 above.

271. On March 10, 2009, the United States Patent and Trademark Office issued the '653

patent. A true and correct copy of the '653 patent is attached as Exhibit 2.

272. Mr. Fleming is the owner of all right, title, and interest in the '653 patent.

273. Escort and Beltronics previously challenged Mr. Fleming's ownership of the '653 patent in a prior proceeding and lost that issue on summary judgment.

274. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Micron is the owner or part owner of the '653 patent.

275. Escort and Beltronics are precluded from asserting that Micron is the owner or part owner of the '653 patent.

276. Escort and Beltronics, through agreement of their counsel in a prior proceeding involving the '653 patent, agreed not to challenge Mr. Fleming's ownership of the '653 patent.

277. Escort and Beltronics are estopped and/or otherwise barred from challenging Mr. Fleming's ownership of the '653 patent in this proceeding.

278. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid for failure to comply with the requirements of Title 35, United States Code.

279. Escort and Beltronics are precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid for failure to comply with the requirements of Title 35, United States Code.

280. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid due to double patenting.

281. Escort and Beltronics are precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid due to double patenting.

282. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid due to impermissible recapture.

283. Escort and Beltronics are precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid due to impermissible recapture.

284. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid due to new matter.

285. Escort and Beltronics are precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid due to new matter.

286. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid due to violation of the “same invention” requirement.

287. Escort and Beltronics are precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid due to violation of the “same invention” requirement.

288. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid due to lack of permissible “error”.

289. Escort and Beltronics are precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are invalid due to lack of permissible “error”.

290. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting Mr. Fleming is estopped by prior art and statements it made to the USPTO during the patent reissue process for the '653 patent.

291. Escort and Beltronics are precluded asserting Mr. Fleming is estopped by prior art and statements he made to the USPTO during the patent reissue process for the '653 patent.

292. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting Mr. Fleming is barred from asserting liability for infringement of the '653 patent due to unclean hands, laches, and double patenting.

293. Escort and Beltronics are precluded from asserting Mr. Fleming is barred from asserting liability for infringement of the '653 patent due to unclean hands, laches, and double patenting.

294. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are unenforceable.

295. Escort and Beltronics are precluded from asserting that Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent are unenforceable.

296. In a prior litigation on September 29, 2014, the Court ruled that Escort and Beltronics were not entitled to absolute intervening rights as to Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent.

297. Escort and Beltronics are precluded from asserting Escort and/or Beltronics are entitled to absolute intervening rights as to Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent.

298. Escort and Beltronics do not contend that the '653 patent is invalid.

299. Escort and Beltronics do not contend that the '653 patent is unenforceable.

300. Escort and Beltronics do not contend that the '653 patent is not owned by Mr. Fleming.

301. In a prior litigation, a jury found (in July 2012) that the Escort 9500ix and the Beltronics GX65 infringed Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent.

302. Escort and Beltronics do not contend the Max 360 and/or the GT-7 do not infringe

Claims 22, 24, 31 – 33, 38, and 41 of the '653 patent.

**Claim 22 of the '653 patent:**

303. Escort and Beltronics have known about Claim 22 of the '653 patent since at least 2009.

304. In a prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 22 of the '653 patent.

305. Escort and Beltronics appealed the jury's infringement decision (regarding their infringement of Claim 22 of the '653 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury's infringement finding.

306. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 22 of the '653 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

307. Claim 22 of the '653 patent includes an element calling for "A method, executed by a radar detector for alerting an operator of a motor vehicle to an incoming police radar signal, the radar detector having a GPS receiver and a processor". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 22 for infringement purposes.

308. The Max 360 is a radar detector.

309. The Max 360 alerts an operator of a motor vehicle to an incoming police radar signal.

310. The Max 360 Owners Manual states: "The Spec FR1 option is an advanced display for experienced detector users. In this mode, ESCORT Max 360 will display the type and direction of the primary threat (with front and/or rear bar graphs of signal strength), as well as the actual numeric radar frequency being received."

311. The portion of the Max 360 Owners Manual of Paragraph 310 accurately describes the operation of the Max 360.

312. The Max 360 includes the Max 360 GPS receiver.
313. The Max 360 includes the Max 360 main processor.
314. For infringement purposes, the Max 360 meets the element of Claim 22 of the '653 patent calling for "A method, executed by a radar detector for alerting an operator of a motor vehicle to an incoming police radar signal, the radar detector having a GPS receiver and a processor".
315. The GT-7 is a radar detector.
316. The GT-7 alerts an operator of a motor vehicle to an incoming police radar signal.
317. The GT-7 Quick Reference states that the GT-7's "Standard" meter mode displays "Single band with bar graph of signal strength".
318. The portion of the GT-7 Quick Reference of Paragraph 317 accurately describes the operation of the GT-7.
319. The GT-7 Quick Reference states that the GT-7's "Tech" meter mode displays "Single band with numeric frequency".
320. The portion of the GT-7 Quick Reference of Paragraph 319 accurately describes the operation of the GT-7.
321. The GT-7 includes the GT-7 GPS receiver.
322. The GT-7 includes the GT-7 main processor.
323. For infringement purposes, the GT-7 meets the element of Claim 22 of the '653 patent calling for "A method, executed by a radar detector for alerting an operator of a motor vehicle to an incoming police radar signal, the radar detector having a GPS receiver and a processor".
324. Another element of Claim 22 of the '653 patent calls for "receiving data based at least in part upon the incoming police radar signal". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 22 for infringement



purposes.

325. The Max 360 includes the Max 360 main processor.

326. The Max 360 includes a Freescale processor that is marked with “M15M7V”. (This processor will be referred to hereinafter as the “Max 360 receiver processor”).

327. The Max 360 receiver processor sends messages to the Max 360 main processor.

328. At least some of the messages of Paragraph 327 include characters.

329. At least some of the messages of Paragraph 327 include characters that indicate the signal strength of an incoming police radar signal.

330. The characters of Paragraph 329 are based at least in part upon an incoming police radar signal.

331. At least some of the messages of Paragraph 327 include characters that indicate the frequency of an incoming police radar signal.

332. The characters of Paragraph 331 are based at least in part upon an incoming police radar signal.

333. At least some of the messages of Paragraph 327 include characters that indicate the checksum of the respective message.

334. At least some of the characters of Paragraph 333 are based at least in part upon the signal strength and the frequency of an incoming police radar signal.

335. At least some of the characters of Paragraph 333 are based at least in part upon an incoming police radar signal.

336. For infringement purposes, the Max 360 meets the element of Claim 22 of the '653 patent calling for “receiving data based at least in part upon the incoming police radar signal”.

337. The GT-7 includes the GT-7 main processor.

338. The GT-7 includes a Freescale processor that is marked with “M15M6V”. (This processor will be referred to hereinafter as the “GT-7 receiver processor”.)
339. The GT-7 receiver processor sends messages to the GT-7 main processor.
340. At least some of the messages of Paragraph 339 include characters.
341. At least some of the messages of Paragraph 339 include characters that indicate the signal strength of an incoming police radar signal.
342. The characters of Paragraph 341 are based at least in part upon an incoming police radar signal.
343. At least some of the messages of Paragraph 339 include characters that indicate the frequency of an incoming police radar signal.
344. The characters of Paragraph 343 are based at least in part upon an incoming police radar signal.
345. At least some of the messages of Paragraph 339 include characters that indicate the checksum of the respective message.
346. At least some of the characters of Paragraph 345 are based at least in part upon the signal strength and the frequency of an incoming police radar signal.
347. At least some of the characters of Paragraph 345 are based at least in part upon an incoming police radar signal.
348. For infringement purposes, the GT-7 meets the element of Claim 22 of the '653 patent calling for “receiving data based at least in part upon the incoming police radar signal”.
349. Another element of Claim 22 of the '653 patent calls for “alerting the operator of the motor vehicle to the incoming police radar signal”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 22 for

infringement purposes.

350. The Max 360 Owners Manual states: “The Spec FR1 option is an advanced display for experienced detector users. In this mode, ESCORT Max 360 will display the type and direction of the primary threat (with front and/or rear bar graphs of signal strength), as well as the actual numeric radar frequency being received.”

351. The portion of the Max 360 Owners Manual of Paragraph 350 accurately describes the operation of the Max 360.

352. For infringement purposes, the Max 360 meets the element of Claim 22 of the '653 patent calling for “alerting the operator of the motor vehicle to the incoming police radar signal”.

353. The GT-7 Quick Reference states that the GT-7's “Standard” meter mode displays “Single band with bar graph of signal strength”.

354. The portion of the GT-7 Quick Reference of Paragraph 353 accurately describes the operation of the GT-7.

355. The GT-7 Quick Reference states that the GT-7's “Tech” meter mode displays “Single band with numeric frequency”.

356. The portion of the GT-7 Quick Reference of Paragraph 355 accurately describes the operation of the GT-7.

357. For infringement purposes, the GT-7 meets the element of Claim 22 of the '653 patent calling for “alerting the operator of the motor vehicle to the incoming police radar signal”.

358. Another element of Claim 22 of the '653 patent calls for “determining a first position of the radar detector; determining a second position of the radar detector”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 22 for infringement purposes.

359. The Max 360 GPS receiver determines the Max 360's position.

360. For infringement purposes, the Max 360 meets the element of Claim 22 calling for "determining a first position of the radar detector; determining a second position of the radar detector".

361. The GT-7 GPS receiver is marked with "15375F0L00882".

362. The GT-7 GPS receiver determines the GT-7's position.

363. For infringement purposes, the GT-7 meets the element of Claim 22 calling for "determining a first position of the radar detector; determining a second position of the radar detector".

364. Another element of Claim 22 of the '653 patent calls for "receiving data based at least in part upon the second position". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 22 for infringement purposes.

365. The Max 360 GPS receiver sends messages to the Max 360 main processor.

366. At least some of the messages of Paragraph 365 include characters.

367. At least some of the messages of Paragraph 365 include characters that indicate the latitude and longitude the of the Max 360.

368. The characters of Paragraph 367 are based at least in part upon the position of the Max 360.

369. At least some of the messages of Paragraph 365 include characters that indicate the checksum of the respective message.

370. At least some of the characters of Paragraph 369 are based at least in part upon the latitude and longitude of the Max 360.

371. At least some of the characters of Paragraph 369 are based at least in part upon the

position of the Max 360.

372. For infringement purposes, the Max 360 meets the element of Claim 22 calling for “receiving data based at least in part upon the second position”.

373. The GT-7 GPS receiver sends messages to the GT-7 main processor.

374. At least some of the messages of Paragraph 373 include characters.

375. At least some of the messages of Paragraph 373 include characters that indicate the latitude and longitude the of the GT-7.

376. The characters of Paragraph 375 are based at least in part upon the position of the GT-7.

377. At least some of the messages of Paragraph 373 include characters that indicate the checksum of the respective message.

378. At least some of the characters of Paragraph 377 are based at least in part upon the latitude and longitude of the GT-7.

379. At least some of the characters of Paragraph 377 are based at least in part upon the position of the GT-7.

380. For infringement purposes, the GT-7 meets the element of Claim 22 calling for “receiving data based at least in part upon the second position”.

381. Another element of Claim 22 of the '653 patent calls for “wherein the determining of the second position of the radar detector is performed by the radar detector’s GPS receiver”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 22 for infringement purposes.

382. The Max 360 uses the Max 360 GPS receiver to determine the Max 360’s position.

383. For infringement purposes, the Max 360 meets the element of Claim 22 of the '653 patent calling for “wherein the determining of the second position of the radar detector is performed by

the radar detector's GPS receiver".

384. The GT-7 uses the GT-7 GPS receiver to determine the GT-7's position.

385. For infringement purposes, the GT-7 meets the element of Claim 22 of the '653 patent calling for "wherein the determining of the second position of the radar detector is performed by the radar detector's GPS receiver".

386. Another element of Claim 22 of the '653 patent calls for "wherein the receiving the data based at least in part upon the second position and the receiving the data based at least in part upon the incoming police radar signal are both performed by the radar detector's processor".

Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 22 for infringement purposes.

387. The Max 360 is a radar detector.

388. The Max 360 main processor is one of the Max 360's processors.

389. The Max 360 receiver processor sends messages to the Max 360 main processor.

390. At least some of the messages of Paragraph 389 include characters.

391. At least some of the messages of Paragraph 389 include characters that indicate the signal strength of an incoming police radar signal.

392. The characters of Paragraph 391 are based at least in part upon an incoming police radar signal.

393. At least some of the messages of Paragraph 389 include characters that indicate the frequency of an incoming police radar signal.

394. The characters of Paragraph 393 are based at least in part upon an incoming police radar signal.

395. At least some of the messages of Paragraph 389 include characters that indicate the

checksum of the respective message.

396. At least some of the characters of Paragraph 395 are based at least in part upon the signal strength and the frequency of an incoming police radar signal.

397. At least some of the characters of Paragraph 395 are based at least in part upon an incoming police radar signal.

398. The Max 360 GPS receiver sends messages to the Max 360 main processor.

399. At least some of the messages of Paragraph 398 include characters.

400. At least some of the messages of Paragraph 398 include characters that indicate the latitude and longitude the of the Max 360.

401. The characters of Paragraph 400 are based at least in part upon the position of the Max 360.

402. At least some of the messages of Paragraph 398 include characters that indicate the checksum of the respective message.

403. At least some of the characters of Paragraph 402 are based at least in part upon the latitude and longitude of the Max 360.

404. At least some of the characters of Paragraph 402 are based at least in part upon the position of the Max 360.

405. For infringement purposes, the Max 360 meets the element of Claim 22 of the '653 patent calling for "wherein the receiving the data based at least in part upon the second position and the receiving the data based at least in part upon the incoming police radar signal are both performed by the radar detector's processor".

406. For infringement purposes, the Max 360 meets all of the elements of Claim 22 of the '653 patent.

407. The GT-7 is a radar detector.
408. The GT-7 main processor is one of the GT-7's processors.
409. The GT-7 receiver processor sends messages to the GT-7 main processor.
410. At least some of the messages of Paragraph 409 include characters.
411. At least some of the messages of Paragraph 409 include characters that indicate the signal strength of an incoming police radar signal.
412. The characters of Paragraph 411 are based at least in part upon an incoming police radar signal.
413. At least some of the messages of Paragraph 409 include characters that indicate the frequency of an incoming police radar signal.
414. The characters of Paragraph 413 are based at least in part upon an incoming police radar signal.
415. At least some of the messages of Paragraph 409 include characters that indicate the checksum of the respective message.
416. At least some of the characters of Paragraph 415 are based at least in part upon the signal strength and the frequency of an incoming police radar signal.
417. At least some of the characters of Paragraph 415 are based at least in part upon an incoming police radar signal.
418. The GT-7 GPS receiver sends messages to the GT-7 main processor.
419. At least some of the messages of Paragraph 418 include characters.
420. At least some of the messages of Paragraph 418 include characters that indicate the latitude and longitude the of the GT-7.
421. The characters of Paragraph 420 are based at least in part upon the position of the GT-7.



422. At least some of the messages of Paragraph 418 include characters that indicate the checksum of the respective message.

423. At least some of the characters of Paragraph 422 are based at least in part upon the latitude and longitude of the GT-7.

424. At least some of the characters of Paragraph 422 are based at least in part upon the position of the GT-7.

425. For infringement purposes, the GT-7 meets the element of Claim 22 of the '653 patent calling for "wherein the receiving the data based at least in part upon the second position and the receiving the data based at least in part upon the incoming police radar signal are both performed by the radar detector's processor".

426. For infringement purposes, the GT-7 meets all of the elements of Claim 22 of the '653 patent.

427. The Max 360 infringes Claim 22 of the '653 patent.

428. The GT-7 infringes Claim 22 of the '653 patent.

**Claim 25 of the '653 patent**

429. Escort and Beltronics have known about Claim 25 of the '653 patent since at least 2009.

430. In a prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 25 of the '653 patent when the jury found Escort and Beltronics infringed Claim 31 of the '653 patent.

431. Escort and Beltronics appealed the jury's infringement decision (regarding their infringement of Claim 25 of the '653 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury's infringement finding.

432. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 25 of

the '653 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

433. Claim 25 of the '653 patent includes an element calling for “wherein the radar detector includes a button, the method further comprising muting an audible alert based upon data received from the button”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 25 for infringement purposes.

434. The Max 360 Owners Manual states: “ESCORT Max 360 is equipped with a TrueLock GPS Filter to lock out and store in its memory false alerts. To lock out a false alert (X band, K band or laser only), press the MUTE button on the detector or the SmartCord three times during an alert. Pressing the first time will silence the audio. Pressing a second time will generate a prompt on the display that will read “Lockout?” Press a third time to confirm you want to lock this signal out by location and frequency. A “Stored” message will be displayed. Once a signal has been stored, ESCORT Max 360 will reject the signal the next time you approach this area and will display the locked-out alert.”

435. The portion of the Max 360 Owners Manual of Paragraph 434 accurately describes the operation of the Max 360.

436. The Max 360 is a radar detector that includes a “mute” button that when depressed mutes an audible alert.

437. For infringement purposes, the Max 360 meets the element of Claim 25 of the '653 patent calling for “wherein the radar detector includes a button, the method further comprising muting an audible alert based upon data received from the button”.

438. For infringement purposes, the Max 360 meets all of the elements of Claim 25 of the '653 patent.

439. The GT-7 Quick Reference states: “**Mute** Press to mute an alert; press three times to lock

out a false alert”.

440. The portion of the GT-7 Quick Reference of Paragraph 439 accurately describes the operation of the GT-7.

441. The GT-7 is a radar detector that includes a “mute” button that when depressed mutes an audible alert.

442. For infringement purposes, the GT-7 meets the element of Claim 25 of the ’653 patent calling for “wherein the radar detector includes a button, the method further comprising muting an audible alert based upon data received from the button”.

443. For infringement purposes, the GT-7 meets all of the elements of Claim 25 of the ’653 patent.

444. The Max 360 infringes Claim 25 of the ’653 patent.

445. The GT-7 infringes Claim 25 of the ’653 patent.

**Claim 31 of the ’653 patent**

446. Escort and Beltronics have known about Claim 31 of the ’653 patent since at least 2009.

447. In a prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 31 of the ’653 patent.

448. Escort and Beltronics appealed the jury’s infringement decision (regarding their infringement of Claim 31 of the ’653 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury’s infringement finding.

449. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 31 of the ’653 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

450. Claim 31 of the ’653 patent includes an element calling for “storing the second position in the non-volatile memory based upon data received from the mute button”. Escort and

Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 31 for infringement purposes.

451. The Max 360 Owners Manual states: “ESCORT Max 360 is equipped with a TrueLock GPS Filter to lock out and store in its memory false alerts. To lock out a false alert (X band, K band or laser only), press the MUTE button on the detector or the SmartCord three times during an alert. Pressing the first time will silence the audio. Pressing a second time will generate a prompt on the display that will read “Lockout?” Press a third time to confirm you want to lock this signal out by location and frequency. A “Stored” message will be displayed. Once a signal has been stored, ESCORT Max 360 will reject the signal the next time you approach this area and will display the locked-out alert.”

452. The portion of the Max 360 Owners Manual of Paragraph 451 accurately describes the operation of the Max 360.

453. The Max 360 is a radar detector that includes a “mute” button that when depressed 3 times stores the Max 360’s location in non-volatile memory.

454. For infringement purposes, the Max 360 meets the element of Claim 31 of the ’653 patent calling for “storing the second position in the non-volatile memory based upon data received from the mute button”.

455. For infringement purposes, the Max 360 meets all of the elements of Claim 31 of the ’653 patent.

456. The GT-7 Quick Reference states: “**Mute** Press to mute an alert; press three times to lock out a false alert”.

457. The portion of the GT-7 Quick Reference of Paragraph 456 accurately describes the operation of the GT-7.

458. The GT-7 is a radar detector that is a radar detector that includes a “mute” button that when depressed 3 times stores the GT-7’s location in non-volatile memory.

459. For infringement purposes, the GT-7 meets the element of Claim 31 of the ’653 patent calling for “storing the second position in the non-volatile memory based upon data received from the mute button”.

460. For infringement purposes, the GT-7 meets all of the elements of Claim 31 of the ’653 patent.

461. The Max 360 infringes Claim 31 of the ’653 patent.

462. The GT-7 infringes Claim 31 of the ’653 patent.

**Claim 32 of the ’653 patent**

463. Escort and Beltronics have known about Claim 32 of the ’653 patent since at least 2009.

464. In a prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 32 of the ’653 patent.

465. Escort and Beltronics appealed the jury’s infringement decision (regarding their infringement of Claim 32 of the ’653 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury’s infringement finding.

466. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 32 of the ’653 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

467. Claim 32 of the ’653 patent includes an element calling for “storing the second position and the frequency of the incoming radar signal in the non-volatile memory based upon data received from the mute button”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 32 for infringement purposes.

468. The Max 360 Owners Manual states: “ESCORT Max 360 is equipped with a TrueLock

GPS Filter to lock out and store in its memory false alerts. To lock out a false alert (X band, K band or laser only), press the MUTE button on the detector or the SmartCord three times during an alert. Pressing the first time will silence the audio. Pressing a second time will generate a prompt on the display that will read “Lockout?” Press a third time to confirm you want to lock this signal out by location and frequency. A “Stored” message will be displayed. Once a signal has been stored, ESCORT Max 360 will reject the signal the next time you approach this area and will display the locked-out alert.”

469. The portion of the Max 360 Owners Manual of Paragraph 468 accurately describes the operation of the Max 360.

470. The Max 360 is a radar detector that includes a “mute” button that when depressed 3 times stores the Max 360’s location in non-volatile memory.

471. The Max 360 is a radar detector that includes a “mute” button that when depressed 3 times stores the frequency of an incoming radar signal in non-volatile memory.

472. For infringement purposes, the Max 360 meets the element of Claim 32 of the ’653 patent calling for “storing the second position and the frequency of the incoming radar signal in the non-volatile memory based upon data received from the mute button”.

473. For infringement purposes, the Max 360 meets all of the elements of Claim 32 of the ’653 patent.

474. The GT-7 Quick Reference states: “**Mute** Press to mute an alert; press three times to lock out a false alert”.

475. The portion of the GT-7 Quick Reference of Paragraph 474 accurately describes the operation of the GT-7.

476. The GT-7 is a radar detector that is a radar detector that includes a “mute” button that

when depressed 3 times stores the GT-7's location in non-volatile memory.

477. The GT-7 is a radar detector that includes a "mute" button that when depressed 3 times stores the frequency of an incoming radar signal in non-volatile memory.

478. For infringement purposes, the GT-7 meets the element of Claim 32 of the '653 patent calling for "storing the second position and the frequency of the incoming radar signal in the non-volatile memory based upon data received from the mute button".

479. For infringement purposes, the GT-7 meets all of the elements of Claim 32 of the '653 patent.

480. The Max 360 infringes Claim 32 of the '653 patent.

481. The GT-7 infringes Claim 32 of the '653 patent.

**Claim 33 of the '653 patent**

482. Escort and Beltronics have known about Claim 33 of the '653 patent since at least 2009.

483. In a prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 33 of the '653 patent.

484. Escort and Beltronics appealed the jury's infringement decision (regarding their infringement of Claim 33 of the '653 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury's infringement finding.

485. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 33 of the '653 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

486. Claim 33 of the '653 patent includes an element calling for "storing the second position and data related to the frequency of the incoming radar signal in the non-volatile memory based upon data received from the mute button". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 33 for infringement

purposes.

487. The Max 360 Owners Manual states: “ESCORT Max 360 is equipped with a TrueLock GPS Filter to lock out and store in its memory false alerts. To lock out a false alert (X band, K band or laser only), press the MUTE button on the detector or the SmartCord three times during an alert. Pressing the first time will silence the audio. Pressing a second time will generate a prompt on the display that will read “Lockout?” Press a third time to confirm you want to lock this signal out by location and frequency. A “Stored” message will be displayed. Once a signal has been stored, ESCORT Max 360 will reject the signal the next time you approach this area and will display the locked-out alert.”

488. The portion of the Max 360 Owners Manual of Paragraph 487 accurately describes the operation of the Max 360.

489. The Max 360 is a radar detector that includes a “mute” button that when depressed 3 times stores the Max 360’s location in non-volatile memory.

490. The Max 360 is a radar detector that includes a “mute” button that when depressed 3 times stores data related to the frequency of an incoming radar signal in non-volatile memory.

491. For infringement purposes, the Max 360 meets the element of Claim 33 of the ’653 patent calling for “storing the second position and data related to the frequency of the incoming radar signal in the non-volatile memory based upon data received from the mute button”.

492. For infringement purposes, the Max 360 meets all of the elements of Claim 33 of the ’653 patent.

493. The GT-7 Quick Reference states: “**Mute** Press to mute an alert; press three times to lock out a false alert”.

494. The portion of the GT-7 Quick Reference of Paragraph 493 accurately describes the



operation of the GT-7.

495. The GT-7 is a radar detector that is a radar detector that includes a “mute” button that when depressed 3 times stores the GT-7’s location in non-volatile memory.

496. The GT-7 is a radar detector that includes a “mute” button that when depressed 3 times stores data related to the frequency of an incoming radar signal in non-volatile memory.

497. For infringement purposes, the GT-7 meets the element of Claim 33 of the ’653 patent calling for “storing the second position and data related to the frequency of the incoming radar signal in the non-volatile memory based upon data received from the mute button”.

498. For infringement purposes, the GT-7 meets all of the elements of Claim 33 of the ’653 patent.

499. The Max 360 infringes Claim 33 of the ’653 patent.

500. The GT-7 infringes Claim 33 of the ’653 patent.

**Claim 38 of the ’653 patent**

501. Escort and Beltronics have known about Claim 38 of the ’653 patent since at least 2009.

502. In a prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 38 of the ’653 patent.

503. Escort and Beltronics appealed the jury’s infringement decision (regarding their infringement of Claim 38 of the ’653 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury’s infringement finding.

504. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 38 of the ’653 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

505. Claim 38 of the ’653 patent includes an element calling for “A radar detector for alerting an operator of a motor vehicle to an incoming police radar signal”. Escort and Beltronics have

no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 38 for infringement purposes.

506. The Max 360 is a radar detector.

507. The Max 360 Owners Manual states: “The Spec FR1 option is an advanced display for experienced detector users. In this mode, ESCORT Max 360 will display the type and direction of the primary threat (with front and/or rear bar graphs of signal strength), as well as the actual numeric radar frequency being received.”

508. The portion of the Max 360 Owners Manual of Paragraph 507 accurately describes the operation of the Max 360.

509. The Max 360 alerts an operator of a motor vehicle to an incoming police radar signal.

510. For infringement purposes, the Max 360 meets the element of Claim 38 of the '653 patent calling for “A radar detector for alerting an operator of a motor vehicle to an incoming police radar signal”.

511. The GT-7 is a radar detector.

512. The GT-7 Quick Reference states that the GT-7's “Standard” meter mode displays “Single band with bar graph of signal strength”.

513. The portion of the GT-7 Quick Reference of Paragraph 512 accurately describes the operation of the GT-7.

514. The GT-7 Quick Reference states that the GT-7's “Tech” meter mode displays “Single band with numeric frequency”.

515. The portion of the GT-7 Quick Reference of Paragraph 514 accurately describes the operation of the GT-7.

516. The GT-7 alerts an operator of a motor vehicle to an incoming police radar signal.

517. For infringement purposes, the GT-7 meets the element of Claim 38 of the '653 patent calling for "A radar detector for alerting an operator of a motor vehicle to an incoming police radar signal".

518. Another element of Claim 38 of the '653 patent calls for "an alert circuit that alerts the operator of the motor vehicle to the incoming police radar signal". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 38 for infringement purposes.

519. The Max 360 Owners Manual states: "The Spec FR1 option is an advanced display for experienced detector users. In this mode, ESCORT Max 360 will display the type and direction of the primary threat (with front and/or rear bar graphs of signal strength), as well as the actual numeric radar frequency being received."

520. The portion of the Max 360 Owners Manual of Paragraph 519 accurately describes the operation of the Max 360.

521. The Max 360 includes circuitry that generates audio alerts to incoming police radar signals.

522. The Max 360 includes circuitry that generates visual alerts to incoming police radar signals.

523. For infringement purposes, the Max 360 meets the element of Claim 38 of the '653 patent calling for "an alert circuit that alerts the operator of the motor vehicle to the incoming police radar signal".

524. The GT-7 Quick Reference states that the GT-7's "Standard" meter mode displays "Single band with bar graph of signal strength".

525. The portion of the GT-7 Quick Reference of Paragraph 524 accurately describes the

operation of the GT-7.

526. The GT-7 Quick Reference states that the GT-7's "Tech" meter mode displays "Single band with numeric frequency".

527. The portion of the GT-7 Quick Reference of Paragraph 526 accurately describes the operation of the GT-7.

528. The GT-7 includes circuitry that generates audio alerts to incoming police radar signals.

529. The GT-7 includes circuitry that generates visual alerts to incoming police radar signals.

530. For infringement purposes, the GT-7 meets the element of Claim 38 of the '653 patent calling for "an alert circuit that alerts the operator of the motor vehicle to the incoming police radar signal".

531. Another element of Claim 38 of the '653 patent calls for "a GPS receiver that determines a first position and a second position of the radar detector". Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 38 for infringement purposes.

532. The Max 360 GPS receiver determines locations of the Max 360.

533. For infringement purposes, the Max 360 meets the element of Claim 38 of the '653 patent calling for "a GPS receiver that determines a first position and a second position of the radar detector".

534. The GT-7 GPS receiver determines locations of the GT-7.

535. For infringement purposes, the GT-7 meets the element of Claim 38 of the '653 patent calling for "a GPS receiver that determines a first position and a second position of the radar detector".

536. Another element of Claim 38 of the '653 patent calls for "a processor, the processor

receiving data based at least in part upon the second position, the processor also receiving data based at least in part upon the incoming police radar signal”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 38 for infringement purposes.

537. The Max 360 main processor is a processor.

538. The Max 360 receiver processor sends messages to the Max 360 main processor.

539. At least some of the messages of Paragraph 538 include characters.

540. At least some of the messages of Paragraph 538 include characters that indicate the signal strength of an incoming police radar signal.

541. The characters of Paragraph 540 are based at least in part upon an incoming police radar signal.

542. At least some of the messages of Paragraph 538 include characters that indicate the frequency of an incoming police radar signal.

543. The characters of Paragraph 542 are based at least in part upon an incoming police radar signal.

544. At least some of the messages of Paragraph 538 include characters that indicate the checksum of the respective message.

545. At least some of the characters of Paragraph 544 are based at least in part upon the signal strength and the frequency of an incoming police radar signal.

546. At least some of the characters of Paragraph 544 are based at least in part upon an incoming police radar signal.

547. The Max 360 GPS receiver sends messages to the Max 360 main processor.

548. At least some of the messages of Paragraph 547 include characters.

549. At least some of the messages of Paragraph 547 include characters that indicate the latitude and longitude the of the Max 360.

550. The characters of Paragraph 549 are based at least in part upon the position of the Max 360.

551. At least some of the messages of Paragraph 547 include characters that indicate the checksum of the respective message.

552. At least some of the characters of Paragraph 551 are based at least in part upon the latitude and longitude of the Max 360.

553. At least some of the characters of Paragraph 551 are based at least in part upon the position of the Max 360.

554. For infringement purposes, the Max 360 meets the element of Claim 38 of the '653 patent calling for "a processor, the processor receiving data based at least in part upon the second position, the processor also receiving data based at least in part upon the incoming police radar signal".

555. The GT-7 main processor is a processor.

556. The GT-7 receiver processor sends messages to the GT-7 main processor.

557. At least some of the messages of Paragraph 556 include characters.

558. At least some of the messages of Paragraph 556 include characters that indicate the signal strength of an incoming police radar signal.

559. The characters of Paragraph 558 are based at least in part upon an incoming police radar signal.

560. At least some of the messages of Paragraph 556 include characters that indicate the frequency of an incoming police radar signal.

561. The characters of Paragraph 560 are based at least in part upon an incoming police radar signal.

562. At least some of the messages of Paragraph 556 include characters that indicate the checksum of the respective message.

563. At least some of the characters of Paragraph 562 are based at least in part upon the signal strength and the frequency of an incoming police radar signal.

564. At least some of the characters of Paragraph 562 are based at least in part upon an incoming police radar signal.

565. The GT-7 GPS receiver sends messages to the GT-7 main processor.

566. At least some of the messages of Paragraph 565 include characters.

567. At least some of the messages of Paragraph 565 include characters that indicate the latitude and longitude the of the GT-7.

568. The characters of Paragraph 567 are based at least in part upon the position of the GT-7.

569. At least some of the messages of Paragraph 565 include characters that indicate the checksum of the respective message.

570. At least some of the characters of Paragraph 569 are based at least in part upon the latitude and longitude of the GT-7.

571. At least some of the characters of Paragraph 569 are based at least in part upon the position of the GT-7.

572. For infringement purposes, the GT-7 meets the element of Claim 38 of the '653 patent calling for "a processor, the processor receiving data based at least in part upon the second position, the processor also receiving data based at least in part upon the incoming police radar signal".

573. Another element of Claim 38 of the '653 patent calls for “a display that generates a visual indication based at least in part upon the second position of the radar detector”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 38 for infringement purposes.

574. The Max 360 includes a display that, based upon the position of the Max 360, either displays an alert to an incoming police radar signal or displays a locked-out alert.

575. For infringement purposes, the Max 360 meets the element of Claim 25 of the '653 patent calling for “a processor, the processor receiving data based at least in part upon the second position, the processor also receiving data based at least in part upon the incoming police radar signal”.

576. For infringement purposes, the Max 360 meets all of the elements of Claim 38 of the '653 patent.

**Claim 41 of the '653 patent**

577. Escort and Beltronics have known about Claim 41 of the '653 patent since at least 2009.

578. In a prior litigation, a jury found (in July 2012) that Escort and Beltronics infringed Claim 41 of the '653 patent.

579. Escort and Beltronics appealed the jury's infringement decision (regarding their infringement of Claim 41 of the '653 patent) to the Court of Appeals for the Federal Circuit, which affirmed the jury's infringement finding.

580. After Escort and Beltronics lost their appeal (regarding their infringement of Claim 41 of the '653 patent), they did not exercise their right to appeal to the U.S. Supreme Court.

581. Claim 41 of the '653 patent includes an element calling for “wherein the radar detector includes a button and the radar detector mutes an audible alert based upon data received from the



button”. Escort and Beltronics have no factual basis for contending the Max 360 and/or the GT-7 do not meet this element of claim 41 for infringement purposes.

582. The Max 360 Owners Manual states: “ESCORT Max 360 is equipped with a TrueLock GPS Filter to lock out and store in its memory false alerts. To lock out a false alert (X band, K band or laser only), press the MUTE button on the detector or the SmartCord three times during an alert. Pressing the first time will silence the audio. Pressing a second time will generate a prompt on the display that will read “Lockout?” Press a third time to confirm you want to lock this signal out by location and frequency. A “Stored” message will be displayed. Once a signal has been stored, ESCORT Max 360 will reject the signal the next time you approach this area and will display the locked-out alert.”

583. The portion of the Max 360 Owners Manual of Paragraph 582 accurately describes the operation of the Max 360.

584. The Max 360 is a radar detector that includes a “mute” button that when depressed a first time mutes an audible alert.

585. For infringement purposes, the Max 360 meets the element of Claim 41 of the ’653 patent calling for “wherein the radar detector includes a button and the radar detector mutes an audible alert based upon data received from the button”.

586. For infringement purposes, the Max 360 meets all of the elements of Claim 41 of the ’653 patent.

587. The GT-7 Quick Reference states: “**Mute** Press to mute an alert; press three times to lock out a false alert”.

588. The portion of the GT-7 Quick Reference of Paragraph 587 accurately describes the operation of the GT-7.

589. The GT-7 is a radar detector that is a radar detector that includes a “mute” button that when depressed a first time mutes an audible alert.

590. For infringement purposes, the GT-7 meets the element of Claim 41 of the '653 patent calling for “wherein the radar detector includes a button and the radar detector mutes an audible alert based upon data received from the button”.

591. For infringement purposes, the GT-7 meets all of the elements of Claim 41 of the '653 patent.

592. The Max 360 infringes Claim 41 of the '653 patent.

593. The GT-7 infringes Claim 41 of the '653 patent.

594. In addition to the above Claims that Escort and Beltronics have previously been held to infringe, the Max 360 and the GT-7 infringe additional Claims of the '653 patent. Escort and Beltronics have no factual basis for contending they do not infringe those other claims.

595. Defendants have infringed and continue to infringe the '653 patent under 35 U.S.C. § 271 by making, using, offering to sell, or selling in the United States, and/or by importing into the United States, without authorization, intelligent radar detectors, such as the Max 360 and/or the GT-7. Further, defendants have infringed and continue to infringe the '653 patent under 35 U.S.C. § 271 by contributing to infringement of that patent by others, and/or inducing others to infringe that patent.

596. Escort and/or Beltronics have offered, and in some cases have provided, indemnity against an infringement suit by Mr. Fleming and/or for patent infringement damages to one or more purchasers and/or resellers of Escort's and/or Beltronics' intelligent radar detectors.

597. Escort's and Beltronics' counsel has acknowledged that one reason Escort and/or Beltronics offered indemnity was to make customers more confident in continuing to sell

Escort's and Beltronics' products.

598. As a result of Escort's and Beltronics' infringement of the '653 patent, Mr. Fleming has been damaged and will continue to be damaged unless such infringement is enjoined by this Court.

599. Pursuant to 35 U.S.C. § 284, Mr. Fleming is entitled to damages adequate to compensate for infringement, including, inter alia, a reasonable royalty.

600. Escort and Beltronics are aware that other companies pay Mr. Fleming a royalty of \$25/unit for the use of the '653 patent.

601. Escort and Beltronics have no factual basis for denying that they should pay Mr. Fleming \$25/unit for their use of the '653 patent.

602. Escort and Beltronics had knowledge of and were on notice of the '653 patent prior to the filing of this complaint.

603. Escort's and Beltronics' infringement of the '653 patent has been and is willful, and renders this case exceptional. Escort and Beltronics have no factual basis for contending their infringement of the '653 patent has not been willful.

604. Escort and Beltronics sought, but failed, to invalidate the '653 patent before the USPTO.

605. The USPTO ruled that certain claims in an Escort patent, which Escort and Beltronics contended represented a prior invention of Mr. Fleming's '653 patent claims, are invalid because Mr. Fleming made the claimed inventions first.

606. Escort and Beltronics did not receive the advice of any lawyer regarding their non-infringement of the '653 patent prior to making, using, selling, offering to sell, and/or importing the Max 360 and/or the GT-7.

607. Escort and Beltronics did not receive the advice of any lawyer regarding the invalidity of

the '653 patent prior to making, using, selling, offering to sell, and/or importing the Max 360 and/or the GT-7.

608. Escort and Beltronics did not receive the advice of any lawyer regarding the unenforceability of the '653 patent prior to making, using, selling, offering to sell, and/or importing the Max 360 and/or the GT-7.

609. Escort and Beltronics have no defense to their infringement of the '653 patent.

610. Escort and Beltronics have no factual basis for any defense to their infringement of the '653 patent, as alleged herein.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Mr. Fleming prays that the Court enter a judgment against Escort and Beltronics as follows:

- A. A decree that each of Escort and Beltronics has infringed the '038 patent and the '653 patent;
- B. A preliminary and permanent injunction restraining Escort and Beltronics, its officers, directors, agents, employees, representatives, distributors, servants, attorneys and all persons in active concert or participation with them from further acts of infringement of the '038 patent and the '653 patent;
- C. An award of damages against each of Escort and Beltronics sufficient to compensate Mr. Fleming for each their infringement of the '038 patent and the '653 patent in an amount not less than a reasonable royalty, pursuant to 35 U.S.C § 284;
- D. An award of treble the damages, pursuant to 35 U.S.C § 284;
- E. An award of prejudgment interest, pursuant to 35 U.S.C § 284, from the date of each act of infringement of the '038 patent and the '653 patent by each of Escort and Beltronics to the day

a damages judgment is entered, and a further award of post-judgment interest, pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid;

F. An award of reasonable attorneys' fees against each of Escort and Beltronics, pursuant to 35 U.S.C. § 285, and Fleming's costs of suit against each of Escort and Beltronics, pursuant to 35 U.S.C. § 284, based at least upon each of Escort's and Beltronics' willful infringement of the '038 patent and the '653 patent; and

G. Such other and further relief as this Court deems just and appropriate.

**JURY TRIAL DEMANDED**

Plaintiff Mr. Fleming demands a jury trial against Escort and Beltronics on all triable issues.

November 17, 2015

Respectfully Submitted

/s/ Steven F. Schossberger

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