

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

GROUPCHATTER, LLC	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 6:15-cv-00886-JRG
	§	
LANDIS+GYR TECHNOLOGIES, LLC	§	
and LANDIS+GYR TECHNOLOGY, INC.	§	
Defendants.	§	

PLAINTIFF’S FIRST AMENDED COMPLAINT AND JURY DEMAND

Plaintiff GroupChatter, LLC files this First Amended Complaint against Defendants Landis+Gyr Technologies, LLC and Landis+Gyr Technology, Inc. (collectively “Landis+Gyr” or “Defendant”) for infringement of: U.S. Patent Nos. 7,969,959; 8,199,740; 8,588,207; and 9,014,659.

THE PARTIES

1. Plaintiff GroupChatter, LLC (“GroupChatter”) is a Texas limited liability company with its headquarters and principal place of business at 1400 Preston Road., Suite 475, Plano, Texas 75093.

2. Defendant Landis+Gyr Technologies, LLC is a Minnesota limited liability company with its principal place of business at 6436 County Rd. 11, Pequot Lakes, MN 56472. Landis+Gyr Technologies, LLC may be served through its registered agent, Corporation Service Company, 2345 Rice Street, Suite 230, Roseville, MN 55113.

3. Defendant Landis+Gyr Technology, Inc. is a company incorporated in Delaware with its principal place of business at 30000 Mill Creek Ave., Suite 100, Alpharetta, GA, 30022. Landis+Gyr Technologies, Inc. may be served through its registered agent, Corporation Service

d/b/a – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas, 78701.

JURISDICTION AND VENUE

4. GroupChatter brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

5. Venue in this district is proper under 28 U.S.C. §§ 1391(c) and 1400(b). L+G has committed and continues to commit acts of infringement in Texas and in this district. Indeed, L+G has significant ties to Texas, where it has sold, operated, and supported several infringing utility networks.

6. According to its press release about the Texas Grid Project, L+G deployed “more than five million smart meters with forward-looking Texas utilities, including Oncor, AEP-Texas, Austin Energy and CPS Energy — the equivalent of equipping one in every two Texas households with the power to manage energy better.”

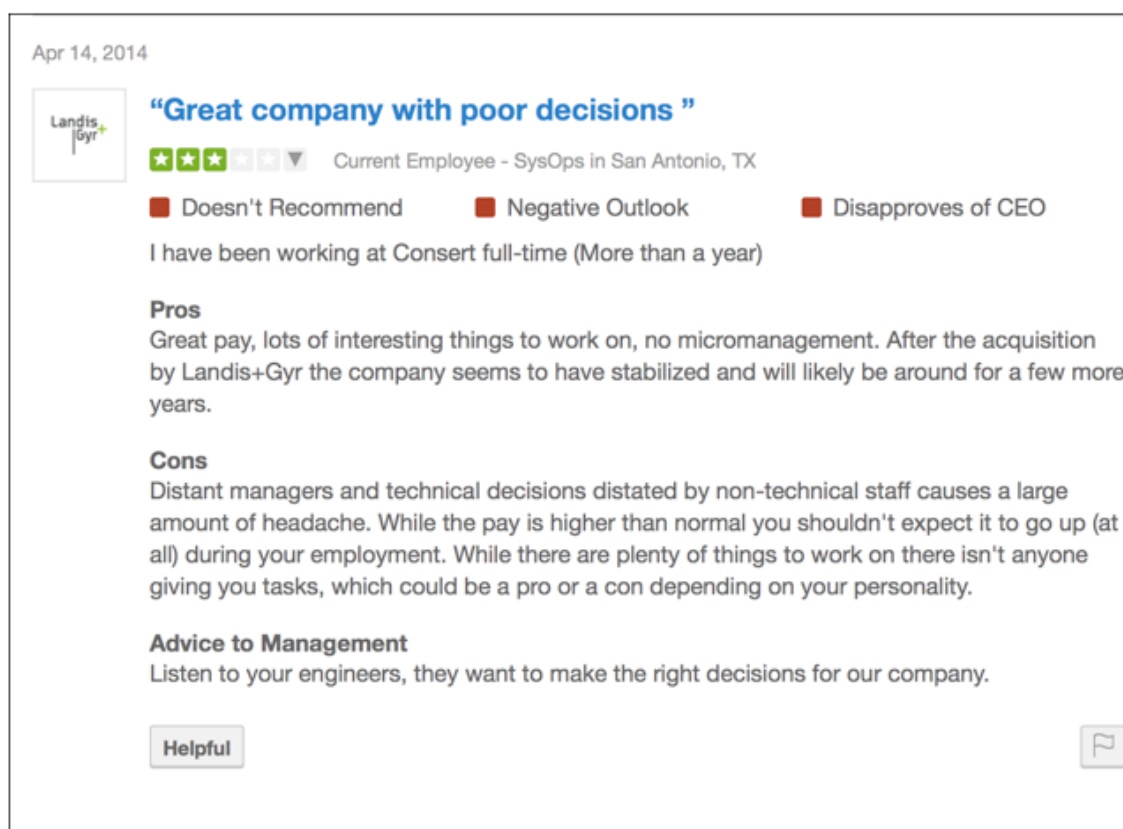
7. L+G partnered with Oncor Electric Delivery Company LLC in “[o]ne of the largest, fastest and most Advanced Smart Meter deployments in the US [] in the Dallas metropolitan area.”

8. L+G’s 690-million-dollar Gridstream project in the Dallas area was projected to replace over 3 million meters and “represents the largest Advanced metering System rollout in Texas and is one of the largest in the US” according to L+G.

9. According to L+G’s 2012-2013 Company Profile, AEP Texas partnered with L+G to deploy hundreds of thousands of Gridstream devices in major cities including Corpus Christi, Abilene, McAllen, Harlingen, San Angelo, Vernon, Victoria and Laredo.

10. CPS Energy, a Texas municipal utility, deployed the L+G Gridstream smart grid solution in over a million CPS Energy electric and natural gas customers in San Antonio, Texas.

11. L+G and its infringing activities are linked to Texas by at least two of L+G's affiliated companies.¹ First, L+G operates its sister company, Consert, Inc., based in San Antonio. Consert, Inc. sold 140,000 home-energy management systems to CPS Energy including a system that "sends information about aggregate power usage from all the homes equipped with the meters to CPS [Energy]."² The connection between Consert and L+G is close, according to one former Consert, now professed L+G employee who commented on worklife after the L+G acquisition of Consert:



¹ Upon information and belief, Toshiba Corporation owns all or a majority of L+G, Consert, Inc., and Toshiba International Company, thus having common control of these affiliated companies.

² This is the type of functionality described in the patent and included in Plaintiff's complaint. Dkt. No. 1, ¶ 15 (e.g. "remote operation").

12. Another L+G affiliate, Toshiba International Company (TIC), is based in Texas and operates a one million square foot (22 acre) manufacturing facility in Houston. Together, L+G and TIC established the “Joint Energy Solution Center” in Alpharetta, Georgia, used to develop infringing systems sold and operated in Texas.

13. L+G has specific ties to the Eastern District of Texas related to infringement. For example, one of L+G’s partners, Denton County Electric Cooperative Inc., d/b/a Coserv Electric, admits to using L+G’s Focus AX residential electric meter in the Eastern District of Texas. *See* C.A. No. 6:11-cv-00113-LED-JDL, *Transdata, Inc. v. Denton Cty. Elec. Cooperative Inc. d/b/a Coserv Elec.* (E.D. Tex.), Dkt. No. 15, ¶ 8.

14. L+G admitted in separate litigation with Transdata, Inc. that it has “sold and offered to sell electric meters to customers located in the Eastern District of Texas.” C.A. No. 6:15-cv-00850-RWS-JDL, *Transdata, Inc. v. Landis+Gyr, Inc. and Landis+Gyr Tech., Inc.* (E.D. Tex.), Dkt. No. 12, ¶ 9.³ Sale and deployment of these utility meters in the Eastern District of Texas constitutes, at least, indirect infringement because the meters are endpoints of the infringing Gridstream AMI system(s).

15. L+G operates a manufacturing facility across the border from Texas in Mexico.

16. L+G imports into Texas accused system components from its manufacturing facility in Mexico.

17. L+G’s manufacturing plant is located five miles across the McAllen, Texas, border. Known as the “maquiladora” plant, L+G manufactures more than 400,000 meters each unit per month for major smart-meter deployments (including deployments in Texas).

³ L+G filed their answer in late November in the *Transdata* case and as of the filing of this amended complaint have not filed a motion to transfer venue of this matter out of the Eastern District of Texas.

18. Accordingly, Defendant does business in this judicial district, has committed acts of infringement in this judicial district, has purposely transacted business in this judicial district involving the accused products and/or, has regular and established places of business in this judicial district. Therefore, venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b).

19. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long-Arm Statute, due at least to its substantial business in this State and judicial district, including: (A) at least part of its infringing activities alleged herein; and (B) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

GROUPCHATTER PATENTS

20. L+G infringes, directly and indirectly, the following patent claims: '959 Patent claims 1, 2, 8, 10, 17, 20, 29, 30, and 35; '740 Patent claims 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 20, and 21; '207 Patent claims 1, 2, 3, 8, 9, and 11; and '659 Patent claims 1, 2, 3, 4, 8, 10, 11, 12, 13, and 16 (the "L+G Asserted Claims").

21. The L+G Asserted Claims relate to methods, apparatuses, and systems for providing acknowledged, deterministic group messaging over a two-way wireless network. Broadly speaking, GroupChatter accuses L+G of infringement based upon L+G's provision, management, operation, and deployment of wireless networks that perform deterministic group messaging, for example, by broadcasting wireless messages to a group of smart utility meters (e.g., electric meters), tracking responses (or lack of responses) from them, and providing up-to-the-minute status of the utility grid.

22. The L+G Asserted Claims describe a specific two-way communication system with a network architecture and addressing scheme providing a novel way to perform deterministic group messaging.

23. “Deterministic” group messaging refers to one of the advantages delivered by the inventions. Using the claimed system offers the potential benefit of providing timely updates for endpoints within a group. In operation, endpoints (e.g., meters, pagers) send responses to group messages and thereby provide data from which to determine the status of each endpoint.

24. The inventors noted in the specification’s Background of the Invention section that in the realm of public safety communication networks, for example, a communication system comprised of endpoints capable of acknowledging group messages fails to provide the valuable advantage of deterministic communication because such a system provides no structure or capability to maintain status of each group member, leaving an administrator lacking important data about the status of the endpoint group.

25. To solve this problem and other shortcomings of prior two-way wireless messaging networks, the inventors conceived a novel combination using a group addressing scheme for use on a wireless two-way network and described in the GroupChatter Patents how to build and deploy the network architecture to use it and achieve its benefits.

26. In the L+G Asserted Claims, grouped endpoints are identified by at least two addresses—a unique primary identifying address and at least one group address. In addition to the two-way, point-to-multipoint wireless architecture of the radio network, a client/server-based architecture is provided for communication between a network client and the two-way wireless network.

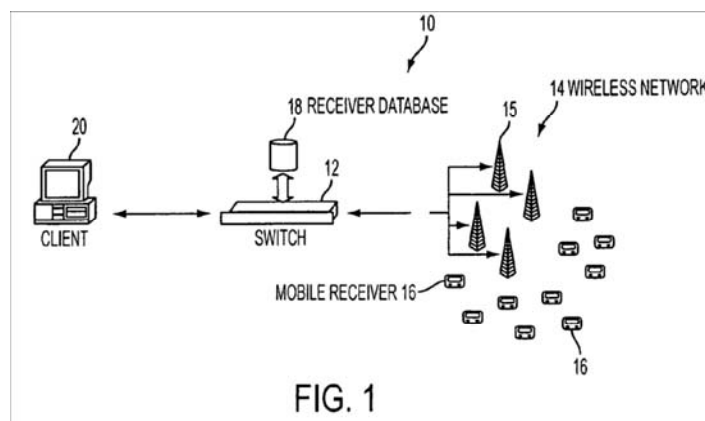
27. Through the access provided via the client/server end of the communication

network, a user is provided group information that may include address information, status information pertaining to a message or command response, overall group detail and status, or even specific information about endpoints within a group.

28. In operation, an exemplary embodying system stores for each recipient endpoint, a device-specific address, one or more group-specific addresses, and group membership data that identifies which recipients belong to specific groups. An endpoint may belong to multiple groups and thus may be associated with multiple group addresses.

A group message, which is addressed to a group address and initiated via a network client, is wirelessly broadcast to endpoints located within the range of the wireless network infrastructure. Endpoints are configured to receive a broadcast group message based upon endpoint address information. An advantage of the claimed addressing system is demonstrated in operation of the claimed invention by reference to and communication with selected endpoints and groups of endpoints using identifying addresses (the primary and group addressing scheme discussed above) rather than alternative methods requiring extensive additional network infrastructure or tuning in order to effectively locate, communicate, and track the endpoints across the network area.

29. FIG. 1 of the '959 Patent (reproduced below) depicts in general terms a network that embodies one or more claims:



30. As shown, exemplary structural elements for an embodied system include: (1) a network client 20; (2) a network switch or server 12 coupled to a receiver database 18; (3) a

wireless network 14; and (4) a plurality of mobile receivers 16 (e.g., pagers, meters, etc.).

31. 13. As background, the inventors conceived the subject matter of the patents-in-suit in part to address issues in communication networks of the day. For example, some radios and associated wireless networks used by emergency responders were unable to handle the heavy network traffic that circumstances unfortunately required. The “Background of the Invention” section of the specification states:

“during the events of Sep. 11, 2001, radio channels became oversaturated, and interoperability problems among jurisdictions and agencies persisted throughout the entire response process. Otherwise compatible portable radios were preprogrammed in a manner that precluded interoperability. Cellular telephone systems and even the public switched telephone network (PSTN) became congested and unusable.”

32. During the September 11 tragedy, older pager systems proved more reliable than cell phone networks. But while pager-based systems had the potential to be relatively robust in emergency circumstances, such systems of the time were unable to efficiently process group messages (i.e., messages to groups of recipients) and track the individual responses to know which members of the group had responded. The Background of the Invention states:

“none of these systems provide a network interface sufficient to support acknowledged group messaging. Requiring that the message originator individually alert each recipient adds considerable setup delay when alerting large groups.”

33. Accordingly, the inventors conceived the invention(s) to address these problems. The result was a novel system that efficiently used limited bandwidth and network resources to effectively communicate with selected endpoints groups whose membership may be dynamically created and adjusted.

34. In order to achieve their objectives, the inventors derived a novel addressing scheme and new ways of sending acknowledgements to group messages on a wireless network.

As noted in the Specification, at the time of the inventions existing two-way wireless messaging protocols (e.g., the ReFLEX protocol) did not permit acknowledgements sent to groups of endpoints, for example:

“ReFLEX™ supports personal and information service (IS) messages. Personal messages involve a single recipient, and ReFLEX™ enables the receiving pager to acknowledge reception, notify that the user has read the message, and relay multiple-choice responses from the user. IS messages involve an arbitrary group of recipients sharing common group addresses called IS addresses. ReFLEX pagers can be configured with one personal address and multiple IS addresses. IS messages are strictly one-way and ReFLEX™ does not support any response or acknowledgement from the recipient group. The present invention, however, adds message acknowledgement, message read notification, and multiple-choice response capability to IS messages, creating an infrastructure for reliable multicast messaging within the ReFLEX™ protocol. As described further below, the present invention implements two significant changes to conventional 2-way paging. First, it defines a new ALOHA command (‘Multicast ACK Command’) used by a pager to reply to an IS message. Second, it defines a flag to select which devices are allowed to use this feature.”

35. Again, the L+G Asserted Claims relate to, among other things, a specific network architecture that includes: wireless network (e.g., a cellular network) infrastructure (e.g., base stations, backhaul, transmitters, receivers, antennae, and central switch), multiple transceivers (e.g., utility meters equipped with two-way wireless communication modules for communicating on the wireless network), and at least one network client (e.g., a computer running network access software) that can communicate with a network element in the server role (e.g., the network server/controller or switch).

36. In addition to and across this network infrastructure and architecture, the L+G Asserted Claims further relate to a particular addressing scheme conceived to provide network efficiency by allowing wireless messages (e.g., commands, requests, updates) to be readily sent to several endpoints using a group address.

37. The subject matter of the system and method claims asserted against L+G are tied

to the structural deployment described above as claimed in the GroupChatter Patents.

38. In operation, the L+G Asserted Claims set forth additional requirements. A message originator, who may lack knowledge of specific details regarding a particular endpoint group, is provided group information via a network client. Such information may include membership information for each group, the number of recipient endpoints having a selected group address, or identifying addresses of recipient endpoints within a group and sharing a selected group address.

39. The claims recite a specific method for providing this information. The L+G Asserted Claims describe and recite the source of group and recipient endpoint information, how and when it is transmitted to a network client, and how it may be displayed and updated at the network client.

40. In an example scenario where an incident commander is seeking assistance over a pager network, a notification feature can provide the commander (i.e., the message originator) details about the number, identities, and statuses of group members. Using the invention for this feature, the commander is able to determine based upon the group messaging system information, a status of group members. Without this feature, an incident commander may have insufficient context to know whether enough personnel were being summoned, or whether key individuals had been mobilized.

41. In the L+G Accused System, similar scenarios present ways in which L+G and L+G's customers leverage the advantages of the claimed subject matter. Up-to-the-minute status information for endpoint groups is important in an L+G Accused System, in order to allow the customer utility visibility into current usage that enables it to control equipment and allocate scarce utility resources based upon near real-time needs.

42. By using the claimed addressing scheme described in the GroupChatter Patents, L+G and other infringers are able to communicate to ad hoc or dynamically organized groups of endpoints for reads and pings to assess the utility grid and pinpoint outages.

43. Additional meaningful claim elements in the L+G Asserted Claims include: (1) providing membership information to the message originator (e.g., “transmitting a communication to the network client...”); and (2) keeping the message originator updated regarding which endpoints have acknowledged receipt of the group message (e.g., “...providing the acknowledgment responses to the network client”). In previous systems, referring again to the incident commander’s scenario for example, after a volunteer group was alerted by pager, the incident commander would not know who was going to respond until personnel began to arrive on scene. In contrast, with the claimed “deterministic” group messaging systems, incident commanders (or utility network engineers or operators) are updated in response to the group messages dispatched. Responses are linked to endpoint recipients within the group context, an advantage and novel advancement achieved by the inventive addressing scheme. In this way, the inventive systems and methods provide a valuable concrete result: deterministic status information provided to a network client for groups of endpoint recipients across a two-way wireless communication network.

44. Accordingly, the Asserted L+G Claim are directed to a specific two-way wireless architecture appended with a client/server modeled network client and employing a particular addressing scheme for identifying with and selectively communicating with endpoint recipients across the network. The Asserted L+G Claims are not directed to an abstract idea.

45. Acknowledged group messaging may be performed in ways and across architectures that differ from the claimed subject matter. While the advantages of the inventions

likely will not be achieved, two-way messaging with selective groups of endpoints may be performed using other methods such as frequency division across the geographical region or focused transmission, encryption, or having multiple radios in the network infrastructure.

46. The L+G Asserted Claims provide structure and limit the invention to particular and novel ways of deterministically messaging selective groups of recipients on a two-way wireless communication network. These structural limitations describing architecture, integrated computer-based operations necessary to practice the patent claims (e.g., database tables, communication at network client with server/switch), wireless network protocol capable of communicating address information in multicast/broadcast signals, and endpoints that can receive and interpret those signals provide meaningful structural limitations that one of skill in the art would recognize as distinctions between network types.

47. The operations, function, and results of the subject matter of the L+G Accused Products cannot be carried out and achieved by a human or generic computer.

48. The operations, function, and results of the claimed subject matter recited in the L+G Accused Products cannot be carried out and achieved using a generic two-way wireless radio network.

49. Generic computer networks or wireless two-way radio networks do not perform group communication and response tracking as claimed in the L+G Asserted Claims.

50. The L+G Asserted Claims require specific hardware, endpoint addresses, data flow, operations, network architecture, and deployment in order to perform the “group communication and response tracking” as that function is claimed.

51. Some of the major advantages of the claimed systems and advances over the prior art are discussed in the specification (minimizing network latency, tracking endpoints and their

relationships with groups, effectively communicating with multiple endpoints in groups, tracking delivery across a network by group, and conserving bandwidth). One skilled in the art at the time of the inventions would further recognize additional advantages including efficient use of bandwidth through use of group messaging and addressing as taught in the GroupChatter Patents, minimizing load on the wireless network, collision avoidance, centralized administration of endpoints and groups coupled with thinned network clients, simplified endpoints that do not require sophisticated radio equipment to communicate with multiple subnets on the wireless network.

52. By the novel combination of its two-way wireless network architecture, client/server interface network, group addressing scheme, and deterministic messaging functionality, the GroupChatter Patents present a specific, inventive solution to the problem the inventors recognized with messaging networks at the time of their invention.

53. In addition to the above-discussed alternatives to the invention, for providing deterministic messaging, maintaining status of endpoint recipients may potentially be achieved exclusively by periodic, one-way transmissions from endpoint recipients to the wireless network head end system. Such a hypothetical system may flood the communication channel(s) with endpoint and the access point transmissions. Staggering such transmissions to reduce collisions would result in long busy periods on the network and high congestion. Such a system would burden the endpoints, network infrastructure, and may not provide the demand response capabilities L+G values and the claimed subject matter delivers. And rather than adopt such a hypothetical systems for its Gridstream AMI system, L+G adopted the more robust feature set achieved by utilizing the architecture, data flow, components, and functionality described in the L+G Asserted Claims.

L+G GRIDSTREAM AMI/AMR SYSTEM

54. GroupChatter's infringement allegations and this First Amended Complaint identify the L+G Asserted Claims and reference publicly available information about the L+G accused systems.

55. The L+G Gridstream System network is a long-range radio network that provides a scalable and reliable two-way communications infrastructure for utility providers. Gridstream's two-way capabilities support multi-energy metering, personal energy management and distribution automation applications.

56. A Gridstream network includes includes endpoints such as utility meters (e.g., gas, water, or electric) with radio modules, network infrastructure for two-way communication between endpoints and the head-end system.

57. Gridstream Meter Data Management System or MDMS provides the ability to group endpoint devices by technology type, rate and class type, and geography to ease event administration, work flows, and composite command execution.

58. L+G markets Gridstream advanced metering infrastructure as a way for utilities to gain the real-time visibility of demand and intelligence they need to monitor and control millions of devices over a wide network.

59. According to L+G, While basic load management programs are designed to reduce peak power costs, maintain system reliability and prevent outages, recent advanced load management initiatives have evolved into strategic, real-time operational resources for a wide range of new commercial applications, circuit-level management and other advanced grid management functions requiring greater levels of data and feedback.

60. Gridstream's deterministic messaging capability ensures that utility network

operators obtain confirmation from endpoints that commands were executed. Such confirmation is important because, according to L+G, operators need near-real-time load information to verify how much load can be shed at any time. With some applications, such as virtual peaking and circuit-level load control, operators need earlier insight into whether or not the load shed event actually occurred.

61. Gridstream addresses the challenge of latency and bandwidth issues in large scale deployments by its ability to broadcast load control commands to endpoints, according to L+G.

62. In a Nebraska case study highlighted by L+G, Gridstream's capability of broadcasting a start command to all endpoints and determining whether any are nonresponsive was particularly valuable when used with select groups of endpoints.

63. Gridstream uses group addressing to communicate with selected groups of endpoints.

64. Endpoints on a Gridstream network may be identified by one or more group address(es).

65. Groups of endpoints on a Gridstream network may be created based on criteria such as geographical area, billing schedule, or operational task.

66. The Gridstream system provides for commands to be issued to a group of endpoints using a group address.

67. Gridstream endpoints can be pinged individually or by group.

68. Enabling deterministic two-way wireless messaging as claimed in the GroupChatter Patents is valuable to L+G, L+G customers, and L+G partners in many ways. The claimed subject matter provides up-to-the-minute endpoint status and group status essential for an effective demand response solution.

69. Using the inventions claimed in the GroupChatter Patents, L+G, L+G partners, L+G customers, and L+G users operating utility networks are able to do with a few clicks of a computer mouse what would otherwise require hours or days or even more time and extensive resources to achieve. The inventions enable Gridstream and MDMS operators to perform valuable functions including outage location, remote connect/disconnect, demand response, group configuration and updating, and peak demand monitoring.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 7,969,959)

70. GroupChatter incorporates paragraphs 1 through 69 herein by reference.

71. GroupChatter is the owner, by assignment, of U.S. Patent No. 7,969,959 (the “’959 Patent”), titled “METHOD AND APPARATUS FOR EFFICIENT AND DETERMINISTIC GROUP ALERTING.”

72. A true and correct copy of the ’959 Patent is attached as Exhibit A.

73. As the owner of the ’959 Patent, GroupChatter holds all substantial rights in and under the ’959 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

74. The United States Patent Office granted the ’959 Patent on June 28, 2011.

75. The ’959 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

76. Defendant has no consent or authorization to practice the ’959 Patent.

77. Landis+Gyr is practicing one or more claims of the ’959 Patent, including at least claims 1 and 30, by making, using, offering for sale, selling, and/or importing components and systems for alerting groups of recipients over a wireless network.

78. Landis+Gyr has directly infringed and continues to infringe the ’959 Patent by

practicing, without limitation, the methods of claims 1, 2, 8, 10, 17, 20, 29, 30, and 35 by deploying, testing, and operating a wide area Advanced Metering Infrastructure (AMI) network that enables remote configuration, operation, and monitoring of utility meters (the “Gridstream AMI System”).

79. The Gridstream AMI System consists of subsystems and components including Gridstream Meter Data Management System, Head-End System software, Command Center software, Cloud Services, Gridstream Customer Intelligence, Gridstream Distribution Intelligence, Active Information Management systems, collectors, routers and endpoints.

80. The Gridstream AMI System operates with endpoints (e.g., electric meters) that have communication modules.

81. Gridstream AMI System endpoints are identified by device ID (e.g., module ID, meter serial number, and meter ID) and/or network address (e.g., WAN address, and network ID).

82. The Gridstream AMI System relies on one or more wireless networks to communicate with the endpoints, where the wireless networks include power line communication (PLC) system components, mesh network components, cellular network components, data concentrators, routers, collectors and other endpoints.

83. During operation of the Gridstream AMI System, Landis+Gyr processes endpoint addresses, endpoint group addresses, outgoing communications, and incoming acknowledgment responses.

84. Actions may be performed on a set of grouped Gridstream AMI System endpoints. L+G indirectly infringes the asserted claims of the '959 Patent by contributing to the infringement of others by knowingly providing component parts of the Gridstream AMI System

(e.g., L+G Gridstream-equipped meters addressable by primary and group addresses, ITRON OpenWay-equipped meters addressable by primary and group addresses Gridstream Distribution Intelligence software, Gridstream Customer Intelligence software, Gridstream MDMS software, Command Center software, Gridstream Software as a Service, Head End System, Gridstream RF Mesh system, and Gridstream enabled endpoints, meters, routers, and data collectors) for use and deployment together and having no substantial non-infringing use.

85. L+G knowingly induces others, namely L+G customers such as gas, water, and electric utilities, to infringe the asserted claims by encouraging, aiding, and abetting the use, deployment, assembly, installation, and operation of the accused Gridstream enabled two-way wireless communication networks and components.

86. L+G has been aware of the GroupChatter Patents at least since the filing of this suit and has had specific knowledge of its infringing conduct. Despite having such knowledge, L+G continues to sell infringing GridStream systems and components and induce, deploy, encourage, aid, and abet others to directly infringe the asserted claims of the '959 Patent.

87. GroupChatter has been damaged as a result of Defendant's infringing conduct described in Count 1. Landis+Gyr is liable to GroupChatter in an amount that adequately compensates it for Landis+Gyr's infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT 2
(INFRINGEMENT OF U.S. PATENT NO. 8,199,740)

88. GroupChatter incorporates paragraphs 1 through 87 herein by reference.

89. GroupChatter is the owner, by assignment, of U.S. Patent No. 8,199,740 (the "'740 Patent"), titled "METHOD AND APPARATUS FOR EFFICIENT AND DETERMINISTIC GROUP ALERTING."

90. A true and correct copy of the '740 Patent is attached as Exhibit B.

91. As the owner of the '740 Patent, GroupChatter holds all substantial rights in and under the '740 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

92. The United States Patent Office granted the '740 Patent on June 12, 2012.

93. The '740 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

94. Landis+Gyr is practicing one or more claims of the '740 Patent, including at least claims 1 and 11, by making, using, offering for sale, selling, and/or importing components and systems for alerting groups of recipients over a wireless network.

95. Landis+Gyr has directly infringed and continues to infringe the '740 Patent by practicing one or more claims of the '740 Patent, including at least claims 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 20, and 21, by deploying, testing, and operating the Gridstream AMI System and its subsystems that provide a deterministic group messaging system through which Landis+Gyr alerts groups of recipient endpoints over a wireless network.

96. Gridstream AMI System endpoints are capable of transmitting and receiving data wirelessly.

97. Landis+Gyr stores and processes endpoint and group addresses for multiple endpoints.

98. Landis+Gyr provides endpoints with data by broadcasting outgoing communications to the endpoints and processes incoming acknowledgments when it operates the Gridstream AMI System and related subsystems.

99. The Gridstream AMI System and related subsystems are a deterministic group

messaging system for providing acknowledged group messaging.

100. L+G indirectly infringes the asserted claims of the '740 Patent by contributing to the infringement of others by knowingly providing component parts of the Gridstream AMI System (e.g., L+G Gridstream-equipped meters addressable by primary and group addresses, ITRON OpenWay-equipped meters addressable by primary and group addresses Gridstream Distribution Intelligence software, Gridstream Customer Intelligence software, Gridstream MDMS software, Command Center software, Gridstream Software as a Service, Head End System, Gridstream RF Mesh system, and Gridstream enabled endpoints, meters, routers, and data collectors) for use and deployment together and having no substantial non-infringing use.

101. L+G knowingly induces others, namely L+G customers such as gas, water, and electric utilities, to infringe the asserted claims by encouraging, aiding, and abetting the use, deployment, assembly, installation, and operation of the accused Gridstream enabled two-way wireless communication networks and components.

102. L+G has been aware of the GroupChatter Patents at least since the filing of this suit and has had specific knowledge of its infringing conduct. Despite having such knowledge, L+G continues to sell infringing Gridstream systems and components and induce, deploy, encourage, aid, and abet others to directly infringe the asserted claims of the '740 Patent.

103. GroupChatter has been damaged as a result of Defendant's infringing conduct described in Count 2. Landis+Gyr is liable to GroupChatter in an amount that adequately compensates it for their infringement, which amount, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**COUNT 3
(INFRINGEMENT OF U.S. PATENT NO. 8,588,207)**

104. GroupChatter incorporates paragraphs 1 through 103 herein by reference.

105. GroupChatter is the owner, by assignment, of U.S. Patent No. 8,588,207 (the “’207 Patent”), titled “METHOD AND APPARATUS FOR EFFICIENT AND DETERMINISTIC GROUP ALERTING.”

106. A true and correct copy of the ’207 Patent is attached as Exhibit C.

107. As the owner of the ’207 Patent, GroupChatter holds all substantial rights in and under the ’207 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

108. The United States Patent Office granted the ’207 Patent on November 19, 2013.

109. The ’207 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

110. Landis+Gyr is practicing one or more claims of the ’207 Patent, including at least claims 1, 2, 3, 8, 9, and 11, by making, using, offering for sale, selling, and/or importing the Gridstream AMI System and its subsystems that provide a deterministic group messaging system through which Landis+Gyr alerts groups of recipients over a wireless network.

111. Landis+Gyr has directly infringed and continues to infringe the ’207 Patent by deploying, testing, and operating the Gridstream AMI System that provides acknowledged group messaging with endpoints (e.g., utility meters) in the Gridstream AMI System.

112. Landis+Gyr processes endpoint and group identifiers, provides the endpoints with related data, wirelessly transmits outgoing communications to the endpoints, and processes incoming acknowledgments when it operates the Gridstream AMI System and related subsystems.

113. The Gridstream AMI System and related subsystems are a deterministic group messaging system and provide acknowledged group messaging.

114. L+G indirectly infringes the asserted claims of the '207 Patent by contributing to the infringement of others by knowingly providing component parts of the Gridstream AMI System (e.g., L+G Gridstream-equipped meters addressable by primary and group addresses, ITRON OpenWay-equipped meters addressable by primary and group addresses Gridstream Distribution Intelligence software, Gridstream Customer Intelligence software, Gridstream MDMS software, Command Center software, Gridstream Software as a Service, Head End System, Gridstream RF Mesh system, and Gridstream enabled endpoints, meters, routers, and data collectors) for use and deployment together and having no substantial non-infringing use.

115. L+G knowingly induces others, namely L+G customers such as gas, water, and electric utilities, to infringe the asserted claims by encouraging, aiding, and abetting the use, deployment, assembly, installation, and operation of the accused Gridstream enabled two-way wireless communication networks and components.

116. L+G has been aware of the GroupChatter Patents at least since the filing of this suit and has had specific knowledge of its infringing conduct. Despite having such knowledge, L+G continues to sell infringing Gridstream systems and components and induce, deploy, encourage, aid, and abet others to directly infringe the asserted claims of the '207 Patent.

117. GroupChatter has been damaged as a result of Defendant's infringing conduct described in Count 3. Landis+Gyr is liable to GroupChatter in an amount that adequately compensates it for their infringement, which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT 4
(INFRINGEMENT OF U.S. PATENT NO. 9,014,659)

118. GroupChatter incorporates paragraphs 1 through 117 herein by reference.

119. GroupChatter is the owner, by assignment, of U.S. Patent No. 9,014,659 (the “’659 Patent”), titled “METHOD AND APPARATUS FOR EFFICIENT AND DETERMINISTIC GROUP ALERTING.”

120. A true and correct copy of the ’659 Patent is attached as Exhibit D.

121. As the owner of the ’659 Patent, GroupChatter holds all substantial rights in and under the ’659 Patent, including the right to grant sublicenses, exclude others, and to enforce, sue, and recover damages for past and future infringement.

122. The United States Patent Office granted the ’659 Patent on April 21, 2015.

123. The ’659 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

124. Landis+Gyr is practicing one or more claims of the ’659 Patent, including at least claims 1, 2, 3, 4, 8, 10, 11, 12, 13, and 16, by making, using, offering for sale, selling, and/or importing the Gridstream AMI System and its subsystems that provide a deterministic group messaging system through which Landis+Gyr alerts groups of recipients over a wireless network.

125. Landis+Gyr has directly infringed and continues to infringe the ’659 Patent by deploying, testing, and operating the Gridstream AMI System that provides acknowledged group messaging with endpoints in the Gridstream AMI System.

126. In operation, the Gridstream AMI System provides acknowledged group messaging.

127. The Gridstream AMI System stores an identifier for a plurality of endpoints.

128. The Gridstream AMI System provides for grouping of endpoints and assignment of a group identifier to a group of endpoints.

129. The Gridstream AMI System wirelessly transmits data to endpoints.

130. The Gridstream AMI System processes incoming acknowledgments from endpoints within a group.

131. The Gridstream AMI System and related subsystems monitor for responses from endpoints to group message transmissions.

132. The Gridstream AMI System and related subsystems are a deterministic group messaging system for providing acknowledged group messaging.

133. L+G indirectly infringes the asserted claims of the '659 Patent by contributing to the infringement of others by knowingly providing component parts of the Gridstream AMI System (e.g., L+G Gridstream-equipped meters addressable by primary and group addresses, ITRON OpenWay-equipped meters addressable by primary and group addresses Gridstream Distribution Intelligence software, Gridstream Customer Intelligence software, Gridstream MDMS software, Command Center software, Gridstream Software as a Service, Head End System, Gridstream RF Mesh system, and Gridstream enabled endpoints, meters, routers, and data collectors) for use and deployment within a Gridstream system and having no substantial non-infringing use.

134. L+G knowingly induces others, namely L+G customers such as gas, water, and electric utilities, to infringe the asserted claims by encouraging, aiding, and abetting the use, deployment, assembly, installation, and operation of the accused Gridstream enabled two-way wireless communication networks and components.

135. L+G has been aware of the GroupChatter Patents at least since the filing of this

suit and has had specific knowledge of its infringing conduct. Despite having such knowledge, L+G continues to sell infringing Gridstream systems and components and induce, deploy, encourage, aid, and abet others to directly infringe the asserted claims of the '659 Patent.

136. GroupChatter has been damaged as a result of Landis+Gyr's infringing conduct described in Count 4. Landis+Gyr is liable to GroupChatter in an amount that adequately compensates it for their infringement, which compensation, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

NOTICE

137. GroupChatter does not currently distribute, sell, offer for sale, or make products embodying the asserted GroupChatter Patents.

138. GroupChatter instructs its licensees to mark all licensed products sold, distributed, offered for sale, or made under license to the GroupChatter Patents and undertaken reasonable efforts as required to comply with the notice requirements of 35 U.S.C. § 287.

NOTICE OF REQUIREMENT OF LITIGATION HOLD

139. Landis+Gyr is hereby notified it is legally obligated to locate, preserve, and maintain all records, notes, drawings, documents, data, communications, materials, electronic recordings, audio/video/photographic recordings, and digital files, including edited and unedited or "raw" source material, and other information and tangible things that Landis+Gyr knows, or reasonably should know, may be relevant to actual or potential claims, counterclaims, defenses, and/or damages by any party or potential party in this lawsuit, whether created or residing in hard copy form or in the form of electronically stored information (hereafter collectively referred to as "Potential Evidence").

140. As used above, the phrase "electronically stored information" includes without limitation: computer files (and file fragments), e-mail (both sent and received, whether internally

or externally), information concerning e-mail (including but not limited to logs of e-mail history and usage, header information, and deleted but recoverable e-mails), text files (including drafts, revisions, and active or deleted word processing documents), instant messages, audio recordings and files, video footage and files, audio files, photographic footage and files, spreadsheets, databases, calendars, telephone logs, contact manager information, internet usage files, and all other information created, received, or maintained on any and all electronic and/or digital forms, sources and media, including, without limitation, any and all hard disks, removable media, peripheral computer or electronic storage devices, laptop computers, mobile phones, personal data assistant devices, Blackberry devices, iPhones, video cameras and still cameras, and any and all other locations where electronic data is stored. These sources may also include any personal electronic, digital, and storage devices of any and all of Landis+Gyr's agents, resellers, or employees if Landis+Gyr's electronically stored information resides there.

141. Landis+Gyr is hereby further notified and forewarned that any alteration, destruction, negligent loss, or unavailability, by act or omission, of any Potential Evidence may result in damages or a legal presumption by the Court and/or jury that the Potential Evidence is not favorable to Landis+Gyr's claims and/or defenses. To avoid such a result, Landis+Gyr's preservation duties include, but are not limited to, the requirement that Landis+Gyr immediately notify its agents and employees to halt and/or supervise the auto-delete functions of Landis+Gyr's electronic systems and refrain from deleting Potential Evidence, either manually or through a policy of periodic deletion.

JURY DEMAND

142. GroupChatter hereby demands a trial by jury on all claims, issues and damages so triable.

PRAYER FOR RELIEF

GroupChatter prays for the following relief:

- a. That Landis+Gyr be summoned to appear and answer;
- b. That the Court enter an order declaring that Landis+Gyr has infringed the '959 Patent, the '740 Patent, the '207 Patent, and the '659 Patent.
- c. That the Court grant GroupChatter judgment against Landis+Gyr for all actual, consequential, special, punitive, increased, and/or statutory damages, including, if necessary, an accounting of all damages; pre and post-judgment interest as allowed by law; and reasonable attorney's fees, costs, and expenses incurred in this action; and
- d. That GroupChatter be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: January 22, 2015

Respectfully submitted,

TAYLOR DUNHAM AND RODRIGUEZ LLP

301 Congress Ave., Suite 1050

Austin, Texas 78701

512.473.2257 Telephone

512.478.4409 Facsimile

By: /s/ Cabrach J. Connor

Cabrach J. Connor

State Bar No. 24036390

Email: cconnor@taylordunham.com

David E. Dunham

State Bar No. 06227700

Email: ddunham@taylordunham.com

Jennifer Tatum Lee

Texas Bar No. 24046950

Email: jtatum@taylordunham.com

ATTORNEYS FOR GROUPCHATTER, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record below who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 22nd day of January, 2016.

Melissa Smith
Email: melissa@gillamsmithlaw.com
GILLAM & AMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
903.934.8450 (phone)
903.934.9257 (fax)

Natasha H. Moffitt
Email: nmoffitt@kslaw.com
Laura S. Huffman
Email: lhuffman@kslaw.com
Benjamin Kent Jordan
Email: kjordan@kslaw.com
KING & SPALDING LLP
1180 Peachtree Street
Atlanta, Georgia 30309
Telephone: (404) 572-2783
Telephone: (404) 572-4712
Facsimile: (404) 572-5100
Facsimile: (404) 572-5100

**ATTORNEYS FOR DEFENDANTS, LANDIS+GYR TECHNOLOGIES LLC AND
LANDIS +GYR TECHNOLOGY, INC.**

/s/ Cabrach J. Connor
Cabrach J. Connor

CERTIFICATE OF CONFERENCE

I conferred with counsel for Defendants Landis+Gyr Technologies, LLC and Landis+Gyr Technology, Inc., and on January 22, 2016, received from counsel for all Defendants written consent to file this First Amended Complaint and Jury Demand thus satisfying the requirement of Fed. R. Civ. P. 15(a)(2).

/s/ Cabrach J. Connor
Cabrach J. Connor