UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

ORBCOMM INC.,

Plaintiff,

v.

CALAMP CORP.,

Defendant.

Civil Action No. 3:16cv208

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff ORBCOMM INC. ("ORBCOMM") hereby files this Original Complaint against Defendant CalAmp Corp. ("CalAmp") for infringement of U.S. Patent Nos. 6,292,724 ("the '724 Patent"), 6,611,686 ("the '686 Patent"), 6,651,001 ("the '001 Patent"), 6,735,150 ("the '150 Patent"), and 8,855,626 ("the '626 Patent") (collectively, "the Patents-in-Suit"). ORBCOMM alleges as follows:

INTRODUCTION

1. ORBCOMM and CalAmp are direct competitors in the machine-to-machine ("M2M") telematics industry. Specifically, they compete in the market for communications solutions designed to track, monitor, and control widely dispersed assets. Although the assets to be tracked could be nearly anything, ORBCOMM and CalAmp generally compete in providing wireless communications solutions to track and monitor cargo containers, transportation vehicles, construction equipment, and leased vehicles.

2. ORBCOMM and CalAmp often compete directly for major contracts with large fleet companies and heavy equipment manufacturers such that a sale by one of the parties comes at the direct detriment of the other.

3. ORBCOMM and CalAmp make, use, sell, and offer for sale a combination of software applications, infrastructure services, and hardware devices that allow their customers to track vehicles, machinery, and cargo containers.

4. ORBCOMM brings this action against CalAmp to seek redress for CalAmp's direct and indirect infringement of the Patents-in-Suit, each of which relates to a system and method for tracking, monitoring, and controlling vehicles, machinery, or other assets over a wide geographic area.

THE PARTIES

5. ORBCOMM is a Delaware corporation with its principal place of business at 395 W. Passaic Street, Suite 325, Rochelle Park, New Jersey 07662.

6. ORBCOMM maintains a significant presence at a facility located in Sterling, Virginia ("the Sterling Facility"), which is within this judicial district. The Sterling Facility is the headquarters for ORBCOMM's engineer and product development team and houses the majority of ORBCOMM's engineers and researchers. The Sterling Facility is also home to ORBCOMM's Innovation and Network Control Center, its corporate information technology group, and a large number of ORBCOMM's sales and marketing personnel. The Network Control Center at the Sterling Facility is the focal point for managing ORBCOMM's global satellite constellation and terrestrial networks.

7. CalAmp is a Delaware corporation with its principal place of business at 15635 Alton Parkway, Suite 250, Irvine, California 92618.

8. In or around December 2012, CalAmp agreed to acquire a company named Wireless Matrix USA, Inc. ("Wireless Matrix"), a Herndon, Virginia-based company. In or around March 2013, CalAmp completed the acquisition. Today, CalAmp continues to do business in Herndon, operating a 10,000 square-foot facility there. CalAmp's operations in Herndon – which include legacy offerings of Wireless Matrix – are at issue in this lawsuit.

JURISDICTION AND VENUE

9. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), as this action arises under the United States patent laws, 35 U.S.C. § 271, *et seq.*

10. This Court has personal jurisdiction over CalAmp given CalAmp's substantial business in Virginia and in this judicial district specifically.

11. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). A substantial part of the acts giving rise to this action occurred in this judicial district, CalAmp is subject to personal jurisdiction in this judicial district, and CalAmp has committed acts of infringement and has regularly conducted business in this judicial district.

FACTUAL ALLEGATIONS

ORBCOMM IS AN INDUSTRY LEADER IN M2M COMMUNICATIONS

12. ORBCOMM is a leading global provider of machine-to-machine communication solutions and operates a proprietary satellite network dedicated to facilitating these communications. In addition to operating a satellite network, ORBCOMM partners with seven different global Tier 1 cellular providers to provide robust wireless communications to support its M2M solutions.

13. ORBCOMM's business model in the M2M market has long focused on selling software services and communication network services in conjunction with the sale of tracking devices. As a result, when ORBCOMM sells hardware to a customer, it will generally also obtain a steady stream of recurring revenue as a result of providing the software and communication services for the hardware sold.

14. ORBCOMM has invested considerable resources in developing its M2M solutions, which include hardware, software, and wireless communication infrastructure. The company began as a satellite provider and expanded its offerings through internal research and development and targeted acquisitions of companies with complementary offerings.

15. Over the past 20 years, ORBCOMM has established a reputation as an innovation leader for M2M technologies, as the industry standard for M2M satellite communications, and as one of the largest, most diverse technical teams in the industry.

16. ORBCOMM is currently a leading global provider of M2M communications solutions and provides global satellite, cellular, and dual-mode network connectivity, hardware, and software to remotely track, monitor, and control fixed and mobile assets in core vertical markets. ORBCOMM serves various industries including transportation and distribution, heavy equipment, oil and gas, and maritime and government.

ORBCOMM'S PATENTS

17. ORBCOMM, and the companies it has acquired over time, have spent considerable resources researching, developing, and commercializing innovations in the mobile resource management and machine-to-machine industry. As a result of these efforts, ORBCOMM has a substantial patent portfolio, including the Patents-in-Suit.

18. ORBCOMM's intellectual property innovations cover overall communication systems, including the hardware, the information technology communication platform, and the software used in conjunction with these components. The Patents-in-Suit relate to these pioneering innovations.

THE '724 PATENT

19. The '724 Patent claims a system and method for tracking and monitoring the location and status of widely dispersed fleet vehicles.

20. ORBCOMM is the valid owner of all rights, title, and interest in the '724 Patent.

21. The United States Patent and Trademark Office ("USPTO") issued the '724 Patent on September 18, 2001. The '724 Patent is attached as **Exhibit A** and is entitled "Method Of And System And Apparatus For Remotely Monitoring The Location, Status, Utilization And Condition Of Widely Geographically [Dispersed] Fleets of Vehicular Construction Equipment And The Like And Providing And Displaying Such Information."

22. The '724 Patent was developed by inventors associated with a company named Micrologic, Inc. Through a series of company acquisitions, ORBCOMM became the sole owner of all rights, title, and interest in the '724 Patent.

23. Claims 1, 2, 3, 9, 10, 13, 15, and 16 of the '724 Patent all disclose a system and method for monitoring, processing, and communicating locally sensed parameter data of a geographically dispersed fleet using a GPS-enabled device and satellite and Internet technology. Locally sensed parameter data includes information such as equipment and device operating conditions, temperature, run hours, fuel level, and battery voltage. Each of the claims includes various specific attributes, including the ability to use different colors on the display, the ability to continue to sense a vehicle's fuel level while it is not running, the ability to set a standard

mode for reporting data, the ability to interrogate the devices used, and the ability to provide an alarm upon unsafe operation.

24. The invention of the '724 Patent allows the distribution of processed information to fleet managers so they can monitor and improve the efficient use of their fleets. The invention provides, among other benefits, the ability to locate assets, obtain reports on demand, perform proper device maintenance, and prevent inefficient, abusive, or unauthorized equipment use.

THE '686 PATENT

25. The '686 Patent claims a system for remotely tracking, monitoring, and controlling a wide range of targets, including vehicles, trains, ships, cargo, and utility units.

26. ORBCOMM is the exclusive licensee of the '686 Patent and holds all substantial rights, title, and interest in the '686 Patent.

27. The '686 Patent, entitled "Tracking Control And Logistics System And Method," was issued by the USPTO on August 26, 2003. On March 15, 2011, the USPTO issued an *ex parte* reexamination certificate for the '686 Patent. The '686 Patent and the *ex parte* reexamination certificate are attached as **Exhibit B**.

28. The USPTO issued a certificate of correction with respect to Claims 15 and 48 of the '686 Patent on January 12, 2016.

29. The '686 Patent was developed by a number of inventors associated with a company known as Elite Logistics Services, Inc. ("Elite"). Elite developed a system for tracking, monitoring, and controlling fleet vehicles. Part of the innovation of Elite's system was that it used hardware devices that were adaptable to monitor and control different aspects of fleet targets. Thus, rather than devices only working with a single type of vehicle, Elite developed a

tracking and control system that made use of hardware that could be adapted for use with a variety of vehicles.

30. Claims 3, 15, and 48 of the '686 Patent specifically discloses a monitoring system and method, which includes a wireless communication unit serving as the hardware unit on the target vehicle, computer equipment, and software that is used in conjunction with the wireless communication unit to facilitate tracking, monitoring, and control functions.

31. As disclosed in Claim 3, 15, and 48, the wireless communication unit has one or more inputs and one or more outputs to enable tracking, monitoring, and control of the targets.

32. The one or more inputs to the wireless communication unit are configurable and may include, for example, door sensors, temperature sensors, engine sensors, battery indicators, a panic button, air bag deployment, auxiliary signals, alarms, and a threshold indicator.

33. The one or more outputs to the wireless communication unit are also configurable and may include, for example, the locking of doors, enabling or disabling a vehicle's ignition, and producing audible driver alarms and status signals such as LED indicators.

34. The '686 Patent provides specific examples of an automobile finance company, dealer, and owner to illustrate the uses of the inputs and outputs. With the monitoring units placed in its vehicles, a company can use the patented system to locate and track all of its cars on a regular or automatic basis; remotely disable and set alarms; open car doors; activate lights; enable and disable car ignitions; provide turn-by-turn directions and roadside assistance; send payment messages; and receive alerts when its cars enter unauthorized areas; *etc.*

35. Claims 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, and 49 are dependent on Claims 3, 15, and 48. These dependent claims include additional contours related to how the system monitors

and controls the devices, how communications occur, and the means of providing services to multiple clients through a central system.

THE '001 PATENT

36. The '001 Patent claims a system and method for remotely tracking and displaying the locations of construction equipment and mobile maintenance vehicles that can be used to service the construction equipment.

37. ORBCOMM is the valid owner of all rights, title, and interest in the '001 Patent.

38. The USPTO issued the '001 Patent on November 18, 2003. The '001 Patent is attached as **Exhibit C** and is entitled "Method Of And System And Apparatus For Integrating Maintenance Vehicle And Service Personnel Tracking Information With The Remote Monitoring Of The Location, Status, Utilization And Condition Of Widely Geographically Dispersed Fleets Of Vehicular Construction Equipment And The Like To Be Maintained, And Providing And Displaying Together Both Construction And Maintenance Vehicle Information."

39. The '001 Patent was developed by an inventor associated with a company named Micrologic, Inc. Through a series of company acquisitions, ORBCOMM became the sole owner of all rights, title, and interest in the '001 Patent. The sole inventor of the '001 Patent was the lead inventor of the '724 Patent.

40. Claims 1 and 5 of the '001 Patent cover a method and system for integrating the display of the location of construction equipment, the current location of maintenance vehicles, and the recent locations of the maintenance vehicles.

THE '150 PATENT

41. The '150 Patent claims a system and method for distinguishing between engine idle and working hours.

42. ORBCOMM is the valid owner of all rights, title, and interest in the '150 Patent.

43. The USPTO issued the '150 Patent on May 11, 2004. The '150 Patent is attached as **Exhibit D** and is entitled "Method Of And Apparatus For Distinguishing Engine Idling And Working Hours."

44. The '150 Patent was developed by an inventor associated with a company named Micrologic, Inc. Through a series of company acquisitions, ORBCOMM became the sole owner of all rights, title, and interest in the '150 Patent.

45. The '150 Patent addresses the problem of monitoring the total "work" hours for an engine in a vehicle – an important consideration in determining the total wear on the engine. As disclosed in the '150 Patent, the prior art taught the use of fuel consumption as a general gauge of work hours, but this method did not provide an accurate measurement of work hours.

46. The '150 Patent discloses a new means for determining an engine's work hours, as compared to its idle hours. Specifically, the '150 Patent teaches that work hours can be measured by measuring various frequencies, including the engine revolutions-per-minute ("RPM") and the frequency of the charge coming from an alternator within the engine.

47. Claims 1 and 7 of the '150 Patent cover a method and system for measuring work hours by measuring the frequencies corresponding to speed over time and distinguishing between frequencies that represent working time versus idle time.

48. Claim 6 of the '150 Patent covers a method for measuring work hours of an engine using detected frequencies and then communicating this information.

THE '626 PATENT

49. The '626 Patent claims a system that facilitates control of freight assets.

50. ORBCOMM is the valid owner of all rights, title, and interest in the '626 Patent.

51. The '626 Patent, entitled "Wireless Control For Creation Of, And Command Response To, Standard Freight Shipment Messages," was issued by the USPTO on October 7, 2014. The '626 Patent is attached as **Exhibit E**.

52. The '626 Patent was developed by inventors at StarTrak Information Technologies, LLC, a company that is now wholly owned by ORBCOMM and that operates as a division within ORBCOMM.

53. The '626 Patent discloses a system that sends and receives messages from tracking hardware on assets to be tracked and a means to translate the messages between multiple message protocols to allow for the interoperability of various systems.

CALAMP'S PRODUCTS AND SERVICES

54. CalAmp markets itself as a "proven leader in the mobile resource management (MRM) and machine-to-machine (M2M) space."

55. CalAmp is a "leader in providing wireless communications solutions to [a broad] array of vertical market applications and customers," and provides communications devices, cloud-based platforms, and software applications to collect, monitor, and report data from fixed and mobile assets. CalAmp also serves industries such as transportation, construction, oil and gas, vehicle finance, and government.

56. Until recently, CalAmp primarily focused on selling hardware components that could be used in machine-to-machine applications. CalAmp historically focused on selling wireless communication units that can be attached to assets to be tracked without packaging these products with software services, a platform, or a communication network.

57. More recently, CalAmp started to focus on selling complete solutions, including: hardware, a platform for routing communications, wireless data communication services, and cloud-based software products to track dispersed assets.

58. CalAmp sells hardware products that can be attached and/or installed on vehicles, equipment, and freight assets to allow them to be tracked and for various attributes of the target to be monitored and controlled. These hardware products include: (a) the LMU Series of products, (b) the TTU Series of products, (c) the Fusion Multi-Network LTE Router, and (d) the Vanguard Series of products. These hardware products are connected to one or more wireless networks, including various cellular telephone networks and satellite communication networks, and operate in conjunction with software applications to provide tracking, monitoring, and control of dispersed units, assets, and vehicles.

59. CalAmp operates the CalAmp Connect platform, which links the hardware devices to back-end software applications that customers use to perform tracking and control functions of their hardware. The Connect platform performs a number of functions, including translating messages between various communication protocols. CalAmp Connect can be used to connect the hardware devices to software applications offered by CalAmp or to third-party (or proprietary) software applications through an application programming interface ("API").

60. CalAmp also offers various software applications that allow customers to track, monitor, and control their devices from their computers and smartphones. CalAmp offers software applications under the names FleetOutlook, GovOutlook, LenderOutlook, and DeviceOutlook. These software products are connected to CalAmp or third-party tracking devices via CalAmp Connect.

ORBCOMM AND CALAMP ARE DIRECT COMPETITORS

61. Now that CalAmp has changed its focus to offering complete packages of hardware, platform, and software solutions, ORBCOMM and CalAmp compete directly in the machine-to-machine market, such that a sale by one will often come at the detriment of the other.

62. Given that hardware, software, and the platform that connects the two product types all make up a complete wireless tracking and monitoring system, the party that makes the initial hardware sale ultimately locks in ongoing revenues over time. The monitoring of the hardware requires use of software to provide hardware information to the user, and the communication between the hardware and the software requires a platform to facilitate the wireless communication. Both ORBCOMM and CalAmp offer and sell hardware and complementary wireless communications services, which create recurring revenue for the company. Thus, the initial sale tends to result in a long tail stream of revenue for ORBCOMM or CalAmp.

63. The initial sale to a customer also creates significant barriers for the competing company to obtain future business from that customer. Switching from CalAmp to ORBCOMM requires a customer to replace (or at the very least retrofit) each of the hardware devices that it has previously purchased for its dispersed fleet – a project that takes time and money. Thus, unless a customer intends to replace all of its hardware devices, it is unlikely to switch from one telematics company to another.

64. The installed-base advantage is particularly acute with respect to large equipment suppliers and fleet management companies. These customers tend to purchase hardware devices on an ongoing basis, so they will rarely be in a position to replace all of the equipment on their

fleet assets. Thus, these customers will generally remain with the company from which they initially purchased the hardware.

65. The initial sale also produces goodwill between the M2M provider and the customer. The M2M market is highly competitive. In addition to quality products, customer service and reputation become important aspects to obtaining a sale. Therefore, the initial sale produces rapport with the customer and builds familiarity with the customer's technology and needs. This goodwill inherently feeds into the customer's future business decisions.

66. In this competitive M2M market, CalAmp has used its infringement of the Patents-in-Suit to obtain high-profile, multiyear contracts to ORBCOMM's detriment.

COUNT I
Infringement of U.S. Patent No. 6,611,686

67. ORBCOMM incorporates Paragraphs 1 through 66 herein as set forth in full.

68. ORBCOMM is the exclusive licensee with all substantial rights, title, and interest in the '686 Patent.

69. The '686 Patent is valid and enforceable.

70. CalAmp makes, uses, sells, and offers for sale hardware, software, and complete packages that directly and indirectly infringe Claims 3, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 48 and 49 of the '686 Patent.

71. CalAmp has directly infringed and continues to directly infringe the '686 Patent by making, using, selling, offering for sale, and/or importing into the United States, a combination of products and software applications that incorporate ORBCOMM's patented system.

72. CalAmp sells a variety of GPS-enabled devices that track, monitor, and control fixed and mobile assets, including (collectively, "the '686 Accused Devices"):

- LMU-200, LMU-300, LMU-320, LMU-330, LMU-400, LMU-600, LMU-700, LMU-720, LMU-800, LMU-900, LMU-920, LMU-1175, LMU-1230, LMU-2100, LMU-2130, LMU-2620, LMU-2630, LMU-2720, LMU-2730, LMU-4200, LMU-4220, LMU-4230, LMU-4520, LMU-5000, LMU-5530 (collectively, "the LMU Series")

- TTU-1220, TTU-1230, TTU-2830, TTU-2840XTreme (collectively, "the TTU Series")

- Fusion Multi-Network LTE Router ("the Fusion")

- Vanguard 3000, Vanguard 5530, Vanguard 5530 EMEA (collectively, "the Vanguard Series")

73. Each of the '686 Accused Devices constitutes "a wireless communications unit" within the meaning of the '686 Patent. Specifically, these devices are operable for tracking vehicles, monitoring inputs, and controlling outputs.

74. The '686 Accused Devices: (a) contain GPS units, (b) make use of wireless communication networks to communicate with computer networks that allow users to track, monitor, and control the devices, and (c) include adaptable wiring interfaces with generic inputs and outputs that allow them to be used to monitor and control diverse inputs and outputs respectively. Each device can be set up individually for each vehicle. These devices also connect to the vehicles electrical system, communicate with wireless communication networks via modems, facilitate control of various aspects of the vehicles, can be used to protect leased vehicles, and can be used to control and monitor fleet vehicles.

75. CalAmp specifically markets these devices as being operable to monitor the same inputs and control the same outputs described in the '686 Patent. The devices' inputs include door sensors, temperature sensors, engine sensors, battery sensors, motion detectors, alarms, and threshold indicators. The outputs include door locks/unlocks, ignition starters/disablers, driver alarms, and LED indicators.

76. Many customers who purchase one or more of the '686 Accused Devices from CalAmp also purchase services from CalAmp. These services include back-end computer and communication platforms and software applications that allow customers to track, monitor, and control the devices and assets from computers owned by the customer.

77. CalAmp makes, uses, sells, and offers for sale various software applications that can be used in conjunction with the hardware devices to facilitate the tracking, monitoring, and control features. Specifically, CalAmp offers FleetOutlook, GovOutlook, LenderOutlook, and DeviceOutlook (collectively, "the '686 Accused Software Systems").

78. The '686 Accused Software Systems operate in conjunction with computer network servers, the Internet, user computers, and common databases for storing information regarding the various units. These systems facilitate the tracking, monitoring, and control functions, allowing users to locate their vehicles or assets, monitor relevant inputs, and control various outputs.

79. Similar to the invention underlying the '686 Patent, FleetOutlook tracks and manages vehicles, trailers, and heavy equipment and provides the ability to sense and report engine conditions and other data; send e-mail or text alerts; provide driver assistance; and detect safety violations, hard braking, and aggressive acceleration; *etc.*

80. GovOutlook provides the same or similar features as FleetOutlook but for government uses. Offering features disclosed in the '686 Patent, CalAmp specifically boasts that GovOutlook "provides the ability to monitor virtually any sensor or device on the vehicle including ignition, lights, PTO, doors, and other various connected devices."

81. LenderOutlook also offers features like those in the '686 Patent. LenderOutlook enables vehicle finance companies and car dealers to locate and track their vehicles, remotely

enable and disable vehicle starters, unlock doors, send payment reminders, and receive notifications when a vehicle enters an unauthorized area.

82. In the same vein, DeviceOutlook enables users to remotely track and manage devices; edit device configurations; update firmware; schedule commands; and run reports; *etc.*

83. CalAmp's act of making, using, selling, offering for sale, and/or importing into the United States the '686 Accused Devices and the '686 Accused Software Systems constitutes direct infringement of Claims 3, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 48 and 49 of the '686 Patent.

84. CalAmp indirectly infringes the '686 Patent by selling the '686 Accused Devices to customers who use them in conjunction with computer platforms and software applications other than those offered by CalAmp and by offering the '686 Accused Software Systems to be used with hardware devices other than those sold by CalAmp.

85. The '686 Accused Devices do not have any utility standing alone. Instead, they are useful only when paired with a communication network, computerized back-end platform, and software application that allows users to track, monitor, and control the devices, vehicles, inputs, and outputs.

86. The '686 Accused Software Systems do not have any utility standing alone. Instead, they are useful only when paired with a wireless communication unit that resides on the asset to be tracked.

87. CalAmp is fully aware that their products and software solutions are only operable when used as part of a system. CalAmp has developed a number of avenues for customers who want to use either the '686 Accused Devices or the '686 Accused Software Systems without other CalAmp products and services.

88. CalAmp develops APIs so that its applications can smoothly integrate with a variety of third-party and legacy applications.

89. CalAmp's customers directly infringe Claims 3, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 48 and 49 of the '686 Patent when they make, use, and/or sell a vehicle tracking system using CalAmp's products.

90. CalAmp knows that use of the '686 Accused Devices infringes Claim 48 at least as of the date of the filing of this Complaint. CalAmp also runs a partner program in which it offers devices, web-based platforms, and software applications, as well as direct sales support, marketing efforts, sales materials, training, and financial rewards, to third parties. These partners then combine the devices and software applications with other products to create tailored solutions. On information and belief, many of these tailored solutions constitute infringing systems.

91. CalAmp contributorily infringes Claims 3, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 48 and 49 of the '686 Patent by selling, offering to sell, and/or importing into the United States one or more components of ORBCOMM's patented technology. The '686 Accused Devices and Software Systems, separately, have no substantial non-infringing uses because their individual components are of insignificant use outside the claimed system of the '686 Patent.

92. CalAmp induces infringement of Claims 3, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 48 and 49 of the '686 Patent by inducing or encouraging third parties to make, use, sell, or offer to sell the '686 Accused Devices and Software Systems. First, CalAmp induces or encourages third parties to use the '686 Accused Devices and Software Systems through its sales, promotions, and demonstrations of the '686 Accused Devices and Software Systems. Second, CalAmp develops and markets APIs to allow its infringing products to easily integrate with

third-party applications and thereby increase its user base. Third, CalAmp established a partner program, for which it enlists "Solution Providers" and "Channel Partners" and provides them not only devices, applications, and platform services, but also sales support, marketing efforts, sales materials, training, and mutual financial rewards. Fourth, CalAmp developed Open Developer Platform and AppStore, which facilitate the use and sale of the '686 Accused Devices and Software Systems by third parties. CalAmp's customers and partners directly infringe the '686 Patent because they use, sell, or offer for sale the patented system. CalAmp knows that use of the '686 Accused Devices and Software Systems infringes Claim 48 at least as of the date of the filing of this Complaint.

93. CalAmp did not and does not have ORBCOMM's consent to make, use, sell, offer for sale, or import the '686 Accused Devices or Software Systems.

94. ORBCOMM has suffered damages as a result of CalAmp's infringement of the '686 Patent.

COUNT II
Infringement of U.S. Patent No. 6,292,724

95. ORBCOMM incorporates Paragraphs 1 through 94 herein as set forth in full.

96. ORBCOMM is the sole owner of all rights, title, and interest in the '724 Patent.

97. The '724 Patent is valid and enforceable.

98. CalAmp has directly and indirectly infringed and continues to infringe Claims 1, 2, 3, 9, 10, 13, 15, and 16 of the '724 Patent by making, using, selling, offering for sale, and/or importing into the United States, products that incorporate ORBCOMM's patented methods and systems. CalAmp's infringing products include the LMU-4230, LMU-4520, the Vanguard Series, FleetOutlook, and GovOutlook (collectively, "the '724 Accused Products").

99. The '724 Accused Products are specially made to allow users to track the location of vehicular equipment along with certain locally sensed parameter data.

100. Specifically, the LMU-4230, LMU-4520, and Vanguard Series are vehicle-tracking devices that operate on a wireless network to transmit GPS data and locally sensed parameter data such as temperature, voltage, motion, and engine conditions for processing and display for fleet managers. These devices transmit data via satellite communication networks. These devices do not have any substantial uses other than to track the location and parameters of the vehicles on which they are mounted and to send this data to the computer networks used by the fleet managers.

101. FleetOutlook and GovOutlook act in conjunction with these devices to process and display locally sensed parameter data. Fleet managers can then organize, filter, and selectively view the data and run reports using these software applications.

102. Upon information and belief, FleetOutlook and GovOutlook can be used to check the location of the monitored vehicles regularly and upon special request, run and deliver reports, set alerts for specific data, as well as set alerts for when a vehicle triggers an unsafe or unauthorized event, *e.g.*, speeding, unsafe driving, crossing unauthorized areas, *etc.*

103. FleetOutlook specifically provides the ability to color-code data as marketed by CalAmp. Upon information and belief, GovOutlook also provides the ability to color-code data.

104. Through the sales of LMU-4230, LMU-4520, the Vanguard Series, FleetOutlook, and GovOutlook, CalAmp directly infringes the '724 Patent.

105. CalAmp indirectly infringes the '724 Patent by selling the '724 Accused Products to customers who use them in conjunction with computer platforms, software applications, and tracking devices other than those offered by CalAmp.

106. The '724 Accused Products do not have any utility standing alone.

107. CalAmp is fully aware that their products and software solutions are only operable when used as part of a system. CalAmp has developed a number of avenues for customers who want to use the '724 Accused Products in conjunction with non-CalAmp products and services.

108. CalAmp develops APIs so that its applications can smoothly integrate with a variety of third-party and legacy applications.

109. CalAmp also runs a partner program in which it offers devices, web-based platforms, and software applications, as well as direct sales support, marketing efforts, sales materials, training, and financial rewards, to third parties. These partners then combine the devices and software applications with other products to create tailored solutions. On information and belief, many of these tailored solutions constitute infringing systems.

110. CalAmp has been on notice of infringement of the '724 Patent at least as of the date of the filing of this Complaint.

111. CalAmp promotes the '724 Accused Products as solutions that protect valuable assets, reduce operating costs, and improve fleet productivity and efficiency. These software solutions provide the same benefits underlying the invention of the '724 Patent by using the same methods and systems as the '724 Patent.

112. CalAmp contributorily infringes Claims 1, 2, 3, 9, 10, 13, 15, and 16 of the '724 Patent by selling, offering to sell, and/or importing into the United States a component of ORBCOMM's patented technology. The '724 Accused Products, separately, have no substantial non-infringing uses because their individual components are of insignificant use outside the claimed system or method within the '724 Patent. For example, there would be no GPS or

engine data to process or view in FleetOutlook without the use of an in-vehicle tracking device that had sensors and that was connected to a wireless communications network. Customers of the '724 Accused Products directly infringe the '724 Patent because they either use or sell these products. CalAmp knows that use of the '724 Accused Products infringes Claims 1, 2, 3, 9, 10, 13, 15, and 16 of the '724 Patent at least as of the filing date of this Complaint.

113. CalAmp induces infringement of Claims 1, 2, 3, 9, 10, 13, 15, and 16 of the '724 Patent by inducing or encouraging third parties to make, use, sell, and/or offer to sell the '724 Accused Products. First, CalAmp induces or encourages third parties to use the '724 Accused Products through its sales, promotions, and demonstrations of the '724 Accused Products. Second, CalAmp develops and markets APIs to allow its infringing products to easily integrate with third-party applications and thereby increase its user base. Third, CalAmp established a partner program in which it provides third parties not only devices, applications, and platform services, but also sales support, marketing efforts, sales materials, training, and mutual financial rewards. Fourth, CalAmp developed Open Developer Platform and AppStore, which facilitate the use and sale of the '724 Accused Products by third parties. CalAmp's customers and partners directly infringe the '724 Patent because they use, sell, or offer for sale the patented system or method. CalAmp knows that use of the '724 Accused Products infringes Claims 1, 2, 3, 9, 10, 13, 15, and 16 of the '724 Patent at least as of the filing date of this Complaint.

114. CalAmp did not and does not have ORBCOMM's consent to make, use, sell, offer for sale, or import the '724 Accused Products.

115. ORBCOMM has suffered damages as a result of CalAmp's infringement of the '724 Patent.

COUNT III
Infringement of U.S. Patent No. 6,651,001

116. ORBCOMM incorporates Paragraphs 1 through 115 herein as set forth in full.

117. ORBCOMM is the sole owner with all rights, title, and interest in the '001 Patent.

118. The '001 Patent is valid and enforceable.

119. CalAmp makes, uses, sells, and offers for sale hardware, software, and complete packages that directly infringe Claims 1 and 5 of the '001 Patent.

120. CalAmp has directly and indirectly infringed and continues to infringe Claims 1 and 5 of the '001 Patent by making, using, selling, offering for sale, and/or importing into the United States, a combination of products and software applications that incorporate ORBCOMM's patented method and system.

121. Specifically, the FleetOutlook software application provides the ability to track in real-time multiple classes of vehicles (including construction vehicles and maintenance vehicles) and to view, in breadcrumb detail, the recent past track of the monitored vehicles. Accordingly, FleetOutlook directly performs the functions set forth in Claim 1 of the '001 Patent.

122. FleetOutlook paired with any of CalAmp's tracking devices, including the LMU Series, TTU Series, Fusion, and Vanguard Series, constitute the infringing system set forth in Claim 5 of the '001 Patent. Specifically, the CalAmp tracking devices constitute GPS receivers and have a means for communicating the location of the various vehicles. FleetOutlook provides the means to process and display the location of the vehicles.

123. CalAmp encourages third parties to use FleetOutlook, along with its tracking devices, as a means to remotely monitor construction equipment and maintenance vehicles and personnel. On its webpage dedicated to the construction industry, CalAmp specifically provides a URL link to details about FleetOutlook and CalAmp tracking devices and lists various construction equipment (*e.g.*, earth-movers, tractors, trenchers, *etc.*) that users can monitor and

track. CalAmp promotes that, with its solutions, users can track real-time and historical locations of their mixed fleet. Further targeting the construction industry on another webpage, CalAmp also states that users can view the simultaneous display of the locations of their mobile and fixed assets.

124. In effort to encourage third parties to use FleetOutlook for their construction and maintenance vehicle-tracking needs, CalAmp published and promoted a case study in which a company selling and servicing "mobile rough-terrain and all terrain cranes" in North America purchased and used FleetOutlook and LMU-3030 devices for its fleet to monitor maintenance vehicles and personnel.

125. Additionally, CalAmp develops APIs so that FleetOutlook can smoothly integrate with a variety of third-party and legacy applications.

126. CalAmp also runs a partner program in which it offers devices, web-based platforms, and software applications, as well as direct sales support, marketing efforts, sales materials, training, and financial rewards, to third parties. These partners then combine the devices and software applications with other products to create tailored solutions. On information and belief, many of these tailored solutions constitute infringing methods and systems.

127. CalAmp's customers and partners directly infringe Claims 1 and 5 of the '001 Patent when they make, use, and/or sell FleetOutlook and/or CalAmp's tracking devices.

128. CalAmp has been on notice of infringement of the '001 Patent at least as of the date of the filing of this Complaint.

129. CalAmp induces infringement of Claims 1 and 5 of the '001 Patent by inducing or encouraging third parties to make, use, sell, and/or offer to sell FleetOutlook and compatible

tracking devices. First, CalAmp induces or encourages third parties to use FleetOutlook and compatible tracking devices through its sales, promotions, and demonstrations of the software application. Second, CalAmp develops and markets APIs to allow its infringing products to easily integrate with third-party applications and thereby increase its user base. Third, CalAmp established a partner program in which it provides third parties not only devices, applications, and platform services, but also sales support, marketing efforts, sales materials, training, and mutual financial rewards. Fourth, CalAmp developed Open Developer Platform and AppStore, which facilitate the use and sale of FleetOutlook and compatible tracking devices by third parties. CalAmp's customers and partners directly infringe the '001 Patent because they use, sell, or offer for sale the patented system or method. CalAmp knows that use of FleetOutlook infringes Claims 1 and 5 of the '001 Patent at least as of the filing date of this Complaint.

130. CalAmp did not and does not have ORBCOMM's consent to make, use, sell, offer for sale, and/or import FleetOutlook and the CalAmp tracking devices with which it can be paired.

131. ORBCOMM has suffered damages as a result of CalAmp's infringement of the '001 Patent.

COUNT IV
Infringement of U.S. Patent No. 6,735,150

132. ORBCOMM incorporates Paragraphs 1 through 131 herein as set forth in full.

133. ORBCOMM is the sole owner with all rights, title, and interest in the '150 Patent.

134. The '150 Patent is valid and enforceable.

135. CalAmp makes, uses, sells, and offers for sale hardware, software, and complete packages that directly and indirectly infringe Claims 1, 6, and 7 of the '150 Patent.

136. CalAmp has directly and indirectly infringed and continues to infringe Claims 1, 6, and 7 of the '150 Patent by making, using, selling, offering for sale, and/or importing into the United States, products that are operable to measure and communicate engine run time and idle time by measuring varying frequencies.

137. Specifically, CalAmp's LMU-2620, LMU-2630, LMU-2720, LMU-2730, LMU-4200, LMU-4220, LMU-4230, and LMU-4520 ("the '150 Accused Devices") operate in conjunction with the jPOD truck ECU interface, which monitors, processes, and transmits engine condition and performance parameters, including engine revolutions-per-minute or RPM.

138. CalAmp's software applications are built to leverage this capability, processing engine parameter data, including RPM frequency, and allowing users to identify engine idle time versus engine run time. Specifically, using FleetOutlook or GovOutlook, fleet managers can view, monitor, and obtain reports on engine idle-time metrics based on the data transmitted by their CalAmp LMU devices.

139. The '150 Accused Devices constitute infringing apparatuses given their ability to monitor, process, and transmit engine data, including engine RPM frequency.

140. CalAmp indirectly infringes the '150 Patent by selling the '150 Accused Devices to customers who use them in conjunction with non-CalAmp software applications that monitor, distinguish, and communicate the values of frequencies to determine engine work times and idle times.

141. CalAmp is fully aware that the engine idle-time tracking features of the '150 Accused Devices are only functional when used as part of a system. CalAmp has developed a number of avenues for customers who want to use the engine idle-time tracking features of the '150 Accused Devices in conjunction with non-CalAmp products and services. For example,

CalAmp develops APIs so that its products can smoothly integrate with a variety of third-party and legacy applications.

142. CalAmp contributorily infringes Claims 1, 6, and 7 of the '150 Patent by selling, offering to sell, and/or importing into the United States one or more components of ORBCOMM's patented technology. The idle-time tracking features of the '150 Accused Devices, separately, have no substantial non-infringing uses because their individual components are of insignificant use outside the claimed methods of the '150 Patent. CalAmp's customers directly infringe Claims 1, 6, and 7 of the '150 Patent when they make, use, and/or sell the '150 Accused Devices. CalAmp has been on notice of infringement of the '150 Patent at least as of the date of the filing of this Complaint.

143. CalAmp did not and does not have ORBCOMM's consent to make, use, sell, offer for sale, or import the '150 Accused Devices or the software applications with which they operate to measure and communicate engine idle time.

144. ORBCOMM has suffered damages as a result of CalAmp's infringement of the '150 Patent.

COUNT V
Infringement of U.S. Patent No. 8,855,626

145. ORBCOMM incorporates Paragraphs 1 through 144 herein as set forth in full.

146. ORBCOMM is the sole owner with all rights, title, and interest in the '626 Patent.

147. The '626 Patent is valid and enforceable.

148. CalAmp makes, uses, sells, and/or offers for sale hardware, software, and complete packages that directly infringe Claims 1, 2, 3, 4, and 7 of the '626 Patent.

149. CalAmp has directly infringed and continues to directly infringe Claims 1, 2, 3, 4, and 7 of the '626 Patent by making, using, selling, offering for sale, and/or importing into the

United States, a system operable to facilitate communication between wireless communication devices that reside on assets to be tracked and computers associated with the users of the system.

150. Specifically, CalAmp has developed its CalAmp Connect system as a means to facilitate communications between a wide array of tracking devices and software applications used by its customers.

151. The CalAmp Connect system sends messages to and receives messages from wireless communication devices on assets to be tracked and computers operated by CalAmp and end users to allow tracking and control.

152. The Connect system translates messages to the necessary protocols, including the various wireless protocols and industry standard freight message formats.

153. CalAmp's system includes a database that stores information about freight assets and associates various freight assets with the proper user. The information stored in the database includes information about events and conditions of the freight assets, including one or more of the following: temperature, location, speed, direction of movement, vibration, load, humidity, ambient gas, illumination, radiation, time of arrival at or departure from a location, door position, and/or presence of auxiliary equipment.

154. CalAmp's Connect system – like all of its M2M systems – is designed to provide freight monitoring services to multiple users with each user being able to monitor multiple freight assets.

155. The CalAmp Connect system directly infringes Claims 1, 2, 3, 4, and 7 of the '626 Patent.

156. CalAmp did not and does not have ORBCOMM's consent to make, use, sell, offer for sale, or import CalAmp Connect and the tracking devices and software with which it operates.

157. ORBCOMM has suffered damages as a result of CalAmp's infringement of the '626 Patent.

DEMAND FOR JURY TRIAL

158. ORBCOMM demands a jury trial on all claims and issues pursuant to Federal Rule of Civil Procedure 38(a).

RELIEF REQUESTED

WHEREFORE, ORBCOMM respectfully requests that this Court grant relief against CalAmp and in favor of ORBCOMM as follows:

(a) Judgment that CalAmp infringes one or more claims of the Patents-in-Suit;

(b) Judgment that CalAmp has directly infringed, contributorily infringed, and/or induced the infringement of the Patents-in-Suit;

(c) Judgment awarding ORBCOMM damages adequate to compensate it for CalAmp's infringement of the Patents-in-Suit, including all pre-judgment and post-judgment interest;

(d) Permanent injunction ordering CalAmp to stop making, using, selling, offering for sale, or importing into the United States products and services that infringe the Patents-in-Suit;

(e) Judgment that CalAmp is willfully infringing the Patent-in-Suit;

(f) Judgment awarding ORBCOMM treble damages;

(g) Judgment that this is an exceptional case and an award of attorneys' fees and expenses; and

(h) Judgment awarding ORBCOMM such other and further relief as the Court may deem just and proper.

Dated: April 7, 2016

Respectfully submitted,

By: _____

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