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

CLEAN ENERGY MANAGEMENT SOLUTIONS, LLC,	)))
Plaintiff,	))) C.A. No. 2:16-cv-415
v.	)
	) **JURY TRIAL DEMANDED**
VIVINT, INC.,	))
Defendant.	)))

COMPLAINT

For its Complaint, Plaintiff Clean Energy Management Solutions, LLC ("Clean Energy"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1.   Clean Energy is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 475, Plano, Texas 75093.

2.   Defendant Vivint, Inc. is a Utah company with, upon information and belief, a place of business located at 4931 North 300 West, Provo, Utah 84604.

3.   Upon information and belief, Defendant has registered with the Texas Secretary of State to conduct business in Texas.

JURISDICTION AND VENUE

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

5.   Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

6.   Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements

alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

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

THE PATENT-IN-SUIT

8.   On October 11, 2011, U.S. Patent No. 8,035,479 (the "'479 patent"), entitled "Mesh Network Door Lock" was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '479 patent is attached hereto as Exhibit A.

9.   The claims of the '479 patent provide an inventive concept and do not claim an abstract idea and. The inventive concept of the '479 patent greatly enhances home or business automation and security. The use of a code from a mesh network key and a mesh network to provide access to a secured area upon authenticating the code is an improvement over the prior art in that it provides the effectiveness of the conventional mechanical door latch locks that had not previously been duplicated by the complicated, high power consuming or ineffective prior art electronic lock structures.

10.   The claims of the '479 patent, moreover, do not merely recite the performance of a longstanding business practice on a computer; rather the claims describe a solution necessarily rooted in electromechanical technology to solve a problem specifically arising in the realm of automated security. The patent specification, for example, explains how prior art electronic lock structures were not "pick-proof" low power lock configurations that were compatible with the internal locking mechanisms of universally used conventional key-operated door latch locks. The '479 patent overcame this difficulty, among others, by using an algorithm and an electromechanical device to lock or unlock a secured area based on sending a code from a mesh

network key and wirelessly communicating the code over a mesh network, receiving the code at a mesh network lock controller and providing access to a secured area upon authenticating the code.

11.   Clean Energy is the assignee and owner of the right, title and interest in and to the '479 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,035,479

12.   Clean Energy repeats and realleges the allegations of paragraphs 1 through 11 as if fully set forth herein.

13.   Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe at least claim 15 of the '479 patent by making, using, importing, offering for sale, and/or selling, systems and methods that provide access to a secured area through use of a mesh network, including, but not limited to Vivint SmartHome.

14.   Upon information and belief, Defendant used the accused Vivint SmartHome via its internal use and testing in the United States, directly infringing one or more claims of the '479 patent.

15.   More specifically, Vivint SmartHome is a home control system that integrates door locks and garage door openers using mesh network connectivity.   *See* http://www.vivint.com/company/newsroom/press/vivint-kwikset-partnership-gives-customers-remote-access-enhanced-security   (last   accessed   Apr.   15,   2016); http://www.vivint.com/company/newsroom/press/vivint-humanizes-the-smart-home-with-vivint-sky (last accessed Apr. 15, 2016); Getting Started: SkyControl Panel at p. 11 (available at http://assets.vivintcdn.com/global/vivint.com/Support/HowTo/v_gettingstarted_skycontrol_webr

eady%5B1%5D.pdf (last accessed Apr. 15, 2016)). Vivint SmartHome sends a code to unlock a door and provide access to a secured area using a mesh network. *See* http://www.vivint.com/company/newsroom/press/vivint-kwikset-partnership-gives-customers-remote-access-enhanced-security (last accessed Apr. 15, 2016); http://www.vivint.com/company/newsroom/press/vivint-humanizes-the-smart-home-with-vivint-sky (last accessed Apr. 15, 2016); http://support.vivint.com/ (last accessed Apr. 15, 2016). Vivint SmartHome includes a control panel that is a full function device that communicates with the end node, through multiple outer nodes, using an integrated coordinator node. *See* http://support.vivint.com/ (last accessed Apr. 15, 2016); http://support.vivint.com/product/skycontrol-touch-screen-panel (last accessed Apr. 15, 2016); Go!Control User Guide (available at http://assets.cdn.aws.vivint.com/global/vivint.com/products/panel-touchscreen/collateral/GoControl-User-Guide.pdf (last accessed Apr. 15, 2016)); http://support.vivint.com/how-to/add-a-device-to-Vivint-GoControl-panel (last accessed Apr. 15, 2016); http://www.vivint.com/company/newsroom/press/vivint-humanizes-the-smart-home-with-vivint-sky (last accessed Apr. 15, 2016); Getting Started: SkyControl Panel at p. 11 (available at http://assets.vivintcdn.com/global/vivint.com/Support/HowTo/v_gettingstarted_skycontrol_webr eady%5B1%5D.pdf (last accessed Apr. 15, 2016)). The Z-wave mesh network used by Vivant SmartHome forwards data from node to node to a destination so that data (unlock or lock command) reaches the destination even if a node fails or is not within range. *See* Source: http://electronicdesign.com/communications/what-s-difference-between-zigbee-and-z-wave (last accessed Apr. 15, 2016). Vivint SmartHome uses the coordinator node integrated in the full-

function device to establish the network and define the main parameters for the mesh network. *See* Go!Control User Guide (available at http://assets.cdn.aws.vivint.com/global/vivint.com/products/panel-touchscreen/collateral/GoControl-User-Guide.pdf (last accessed Apr. 15, 2016)); http://support.vivint.com/how-to/add-a-device-to-Vivint-GoControl-panel (last accessed Apr. 15, 2016).   The end node (e.g., smartphone or computer) is a reduced function device which is capable of communicating with the mesh network and does not participate in the routing of the command to lock or unlock the door. *See* http://www.vivint.com/company/newsroom/press/vivint-humanizes-the-smart-home-with-vivint-sky (last accessed Apr. 15, 2016); Getting Started: SkyControl Panel at p. 11 (available at http://assets.vivintcdn.com/global/vivint.com/Support/HowTo/v_gettingstarted_skycontrol_webr eady%5B1%5D.pdf (last accessed Apr. 15, 2016)).   The code for locking and unlocking is received at the door lock and enables the locking or unlocking of the door. *See* Getting Started: SkyControl Panel at p. 10 (available at http://assets.vivintcdn.com/global/vivint.com/Support/HowTo/v_gettingstarted_skycontrol_webr eady%5B1%5D.pdf (last accessed Apr. 15, 2016)); http://support.vivint.com/product/electronic-door-lock (last accessed Apr. 15, 2016).   Vivint SmartHome will unlock the door upon authentication of the code. *See* Getting Started: SkyControl Panel at p. 11 (available at http://assets.vivintcdn.com/global/vivint.com/Support/HowTo/v_gettingstarted_skycontrol_webr eady%5B1%5D.pdf (last accessed Apr. 15, 2016)); http://support.vivint.com/product/electronic-door-lock (last accessed Apr. 15, 2016).

16.   Clean Energy is entitled to recover from Defendant the damages sustained by Clean Energy as a result of Defendant's infringement of the '479 patent in an amount subject to

proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and

costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Clean Energy hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Clean Energy requests that this Court enter judgment against Defendant

as follows:

A.   An adjudication that Defendant has infringed the '479 patent;

B.   An award of damages to be paid by Defendant adequate to compensate Clean

Energy for Defendant's past infringement of the '479 patent and any continuing or future

infringement through the date such judgment is entered, including interest, costs, expenses and

an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C.   A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of

Clean Energy's reasonable attorneys' fees; and

D.   An award to Clean Energy of such further relief at law or in equity as the Court

deems just and proper.

Dated: April 15, 2016   /s/ Richard C. Weinblatt
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