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6  
7 **UNITED STATES DISTRICT COURT**  
**FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
8 **SOUTHERN DIVISION**

9 TIMEKEEPING SYSTEMS, INC.  
30700 Bainbridge Road  
10 Solon, OH 44139

Civil Case No. 8:16-cv-01207

Judge:

11 Plaintiff,

**COMPLAINT FOR PATENT**  
**INFRINGEMENT**

12 v.

13 DWELLINGLIVE, INC. D.B.A.  
PATROLLIVE INTERNATIONAL, INC.  
14 3186-E2 Airway Avenue  
Costa Mesa, CA 92626

15 Defendant.

16  
17 For its Complaint against Defendant DwellingLIVE, Inc. D.B.A. PatrolLive International,  
18 Inc. (“DwellingLIVE”), Plaintiff TimeKeeping Systems, Inc. (“TimeKeeping”) alleges as follows:

19 1. This is an action for damages and injunctive relief to remedy (a) patent infringement  
20 by DwellingLIVE of U.S. Patent No. 7,027,955 (“the ’955 Patent”) assigned to and owned by  
21 TimeKeeping.

22 2. TimeKeeping is a corporation existing under the laws of the State of Ohio, with a  
23 principal place of business at 30700 Bainbridge Road, Solon, Ohio 44139.

24 3. DwellingLIVE is, upon information and belief, a corporation existing under the laws  
25 of the State of California, having a place of business at 3186-E2 Airway Avenue, Costa Mesa,  
26 California 92626.  
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1 **JURISDICTION AND VENUE**

2 4. This is an action for patent infringement arising under the patent laws of the United  
3 States, 35 U.S.C. §§ 1 et seq., as is more fully set forth below.

4 5. This Court has original and exclusive jurisdiction over the subject matter of this action  
5 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6 6. This Court has personal jurisdiction over DwellingLIVE because DwellingLIVE is  
7 incorporated in California, resides in this district, has a place of business and does regular business in  
8 this district and because, upon information and belief, DwellingLIVE has advertised, marketed,  
9 distributed or sold infringing products within this district. Further, DwellingLIVE (a) on information  
10 and belief, is selling and/or has offered for sale products to be sold in this judicial district which  
11 infringe the claims of the '955 Patent; (b) on information and belief, maintains an established  
12 distribution network for offering for sale, selling and/or shipping products into this judicial district;  
13 (c) on information and belief, regularly solicits business in this judicial district and sells a substantial  
14 amount of products in this state and judicial district; (d) on information and belief, is engaged in  
15 substantial and non-isolated activities within this state, whether such activities are wholly interstate,  
16 intrastate, or otherwise; and (e) on information and belief, derives substantial revenue from its  
17 activities in this state and in this judicial district.

18 7. Venue is appropriate in this judicial district for the claims asserted herein pursuant to  
19 28 U.S.C. § 1391(b) and (c) and § 1400(b).

20 **FACTUAL BACKGROUND**

21 8. TimeKeeping has spent considerable time and money developing guard tour systems  
22 and has applied for and been awarded several patents covering aspects of guard tour systems.

23 9. On April 11, 2006, the '955 Patent entitled "Guard Tour System Incorporating A  
24 Positioning System" was duly and legally issued. A true and correct copy of the '955 Patent is attached  
25 as Exhibit A.  
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1           10.     The '955 Patent was duly assigned to TimeKeeping on October 20, 2002, and the  
 2 assignment was recorded with the United States Patent and Trademark Office on reel number  
 3 013420, frame number 0987.

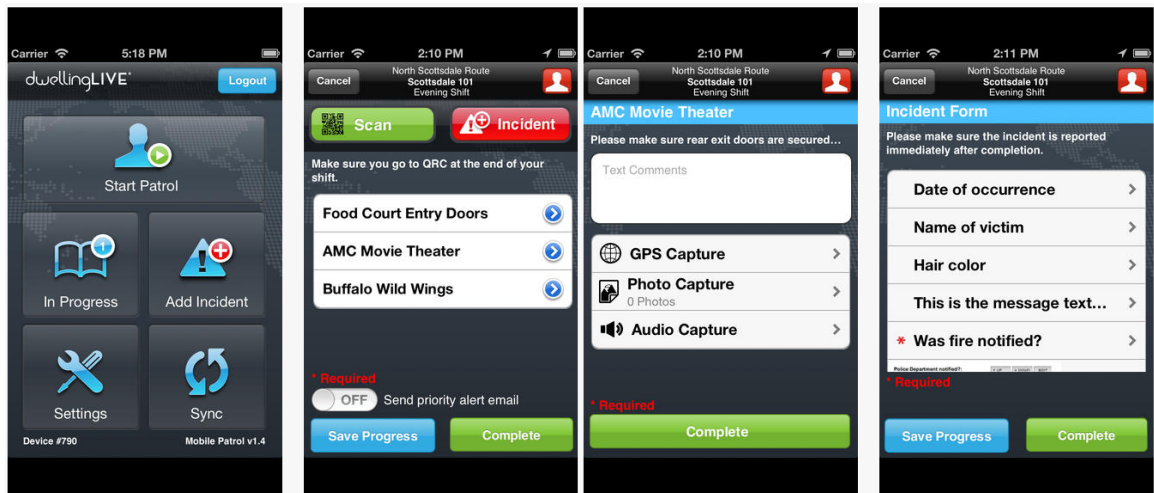
4           11.     DwellingLIVE has been aware of the '955 Patent since at least November 2012 when  
 5 Jeff Moran was informed of the '955 Patent by letter offering a license to these patents to  
 6 DwellingLIVE.

7           12.     DwellingLIVE offers for sale and sells a system called, “dwellingLIVE Mobile Patrol.”

8           13.     The dwellingLIVE Mobile Patrol system includes mobile applications that  
 9 communicate with a server to provide location monitoring.

10          14.     DwellingLIVE provides a mobile guard tour application entitled, “dwellingLIVE  
 11 Patrol” for iOS mobile devices. DwellingLIVE describes this application as follows: “The #1 Guard  
 12 Tour App! All-in-one realtime guard tour app that combines GPS geotag scanning, voice notes,  
 13 photos, live location monitoring, incident reporting and so much more. Mobile Patrol is the most  
 14 powerful combination to optimize your guard tours.”

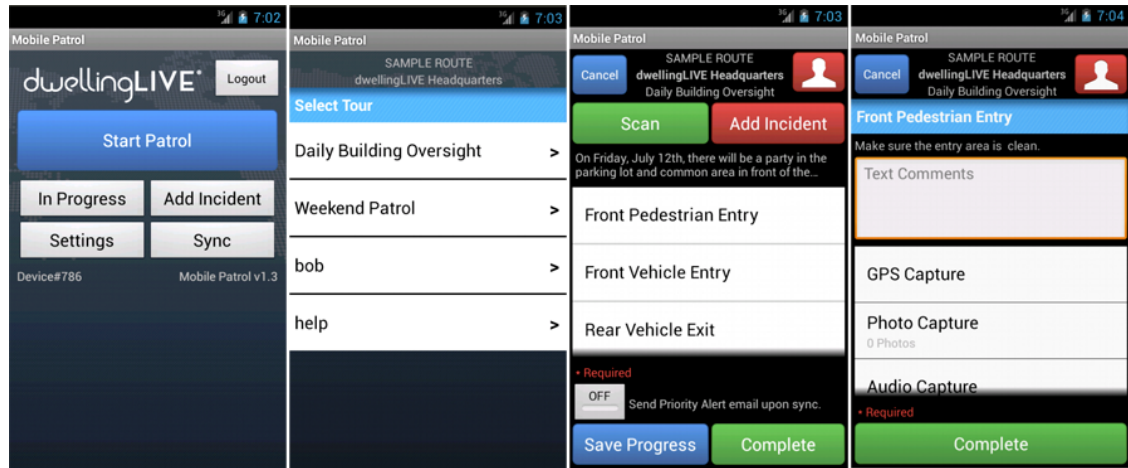
15          15.     DwellingLIVE’s description of the iOS dwellingLIVE Patrol application further  
 16 includes the following screenshots.



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 25          16.     DwellingLIVE provides a guard tour application entitled, “dwellingLIVE Patrol” for  
 26 Android mobile devices. DwellingLIVE describes this application as follows: “All-in-one realtime  
 27 guard tour app combines GPS geotag scanning, voice notes, photos, live location monitoring, incident  
 28

1 reporting and so much more. MobilePatrol is the most powerful combination to optimize your guard  
2 tours”

3 17. DwellingLIVE’s description of the Android dwellingLIVE Patrol application further  
4 includes the following screenshots.



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13 18. Part of DwellingLIVE’s web site is reproduced as Exhibit B.

14 19. Selected pages from a brochure available on DwellingLIVE’s web site is attached as  
15 Exhibit C.

16 20. DwellingLIVE instructs users to download the dwellingLIVE Patrol applications to  
17 iOS and Android devices.

18 21. DwellingLIVE provides a web-based system for monitoring and evaluating guard  
19 patrols, which DwellingLIVE refers to as “dwellingLIVE Mobile Patrol.”

20 22. DwellingLIVE provides instructions for users to create checkpoints in the web-based  
21 system.

22 23. The dwellingLIVE Mobile Patrol system allows checkpoint locations to be configured  
23 to optionally require, a GeoTag scan, GPS information, images, voice comments, and/or text  
24 comments.

25 24. The dwellingLIVE Patrol applications are configured to cause information to be read  
26 or scanned from GeoTags, and to obtain GPS information at checkpoints.

27 25. The dwellingLIVE Patrol applications cause data relating to the checkpoint and the  
28 GPS coordinates of the guard to be transmitted wirelessly to the web-based system.

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1 26. DwellingLIVE’s web site (Ex. B) and the brochure available on DwellingLIVE’s web  
2 site (Ex. C) describe the dwellingLIVE Mobile Patrol system as providing “real time” “Guard Tours,”  
3 and “Incident Reports” and further indicates that the dwellingLIVE Mobile Patrol system allows users  
4 to “Receive in Realtime to Web Account” “Live GPS Location” and “Guard Tours.”

5 27. The dwellingLIVE Mobile Patrol web-based system that receives information from  
6 dwellingLIVE Patrol applications provides detailed reports and automated sharing capabilities that  
7 may be used to monitor and evaluate the guard patrol and the location of the guard on patrol.

8 28. The dwellingLIVE Patrol applications provide check point data to the web-based  
9 system even if the guard tour checkpoint data indicates the existence of a normal condition at said  
10 guard tour checkpoint.

11 29. The dwellingLIVE Patrol applications provide check point data that is time stamped.

12  
13 **COUNT I**

14 **(INFRINGEMENT OF U.S. PATENT NO. 7,027,955)**

15 30. TimeKeeping incorporates the allegations set forth in Paragraphs 1-29 above as if each  
16 were separately set forth at length herein.

17 31. DwellingLIVE has been and still is directly infringing claims 15-16 and 18-22 of the  
18 ‘955 Patent under 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling the  
19 dwellingLIVE Mobile Patrol applications for mobile devices and by providing access to the  
20 dwellingLIVE Mobile Patrol web-based system. A chart illustrating DwellingLIVE’s infringement is  
21 attached as Exhibit D.

22 32. DwellingLIVE’s acts making, using, offering to sell, and/or selling the dwellingLIVE  
23 Mobile Patrol application and providing access to the dwellingLIVE Mobile Patrol web-based system  
24 were performed with full knowledge and awareness of the ‘955 patent.

25 33. DwellingLIVE has been and still is indirectly infringing claims 2-4, 7, 9 and 30 of the  
26 ‘545 Patent under 35 U.S.C. § 271(b) by knowingly inducing others to infringe the ‘955 Patent by  
27 instructing users to install the dwellingLIVE Mobile Patrol applications on mobile devices, transmit  
28 guard tour information to the dwellingLIVE Mobile Patrol web-based system, which functions to

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1 monitor and evaluate guard patrols. A chart illustrating DwellingLIVE’s infringement is attached as  
2 Exhibit D.

3 34. DwellingLIVE has been and still is contributorily infringing claims 2-4, 7, 9 and 30 of  
4 the ’955 Patent under 35 U.S.C. § 271(c) by knowingly providing to others the dwellingLIVE Mobile  
5 Patrol application and by providing access to the dwellingLIVE Mobile Patrol web-based system. A  
6 chart illustrating DwellingLIVE’s infringement is attached as Exhibit D.

7 35. DwellingLIVE’s infringement of the ’955 Patent has been willful.

8 36. DwellingLIVE’s infringement has caused, and continues to cause, TimeKeeping to  
9 suffer injury and economic damages, including monetary damages in an amount not yet determined.

10 37. Upon information and belief, DwellingLIVE’s infringement the ’955 Patent will  
11 continue unless enjoined by this Court.

12 38. The infringement by DwellingLIVE’s is causing irreparable harm to TimeKeeping and  
13 will continue to cause irreparable harm to TimeKeeping unless DwellingLIVE’s infringing activities  
14 are enjoined by this Court.

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16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff respectfully request that this Court:

- 18 a) enter judgment that Defendant has infringed the ’955 Patent;  
19 b) preliminarily and permanently enjoin Defendant, and its respective officers,  
20 subsidiaries, agents, servants, employees, attorneys, and all persons in active concert with them, from  
21 any further infringement of the ’955 Patent;  
22 c) award damages under 35 U.S.C. § 284 in an amount sufficient to compensate Plaintiff  
23 for Defendant’s infringement to be determined at trial;  
24 d) award treble damages upon a finding that Defendant’s infringement has been willful  
25 under 35 U.S.C. § 284;  
26 e) declare this case exceptional and award Plaintiff its reasonable attorneys’ fees and  
27 expenses pursuant to 35 U.S.C. § 285;

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- 1 f) order Defendant to pay costs, prejudgment interest and postjudgment interest to
- 2 Plaintiff;
- 3 g) order an accounting for any infringing sales not presented at trial and award additional
- 4 damages for any such infringing sales; and
- 5 h) award such other and further relief as the Court deems just and equitable.

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Dated: June 29, 2016

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By /s/ Kyle B. Fleming  
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