

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

AUTOLOXER LLC,

Plaintiff,

v.

TYCO INTEGRATED SECURITY LLC,

Defendant.

CIVIL ACTION NO. 2:16-cv-936

PATENT CASE

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Autoloxer LLC files this Original Complaint for Patent Infringement against Tyco Integrated Security LLC, and would respectfully show the Court as follows:

I. THE PARTIES

1. Plaintiff Autoloxer LLC (“Autoloxer” or “Plaintiff”) is a Texas limited liability company with its principal place of business in the Eastern District of Texas at 2150 South Central Expressway #200, McKinney, Texas 75070.

2. On information and belief, Defendant Tyco Integrated Security LLC (“Defendant”) is a Delaware limited liability company with a place of business at Boca Corporate Center, 4700 Exchange Court, Suite 300, Boca Raton, FL 33431. Defendant is registered as a taxable entity in the State of Texas and has an active status for the right to transact business in Texas.

II. JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction of such action under 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction, pursuant to due process and the Texas Long Arm Statute, due at least to its substantial business in this forum, including at least a portion of the infringements alleged herein.

5. Without limitation, on information and belief, within this state, Defendant has used and/or sold the patented inventions thereby committing, and continuing to commit, acts of patent infringement alleged herein. In addition, on information and belief, Defendant has derived substantial revenues from its infringing acts occurring within the State of Texas and this District. Further, on information and belief, Defendant is subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and deriving substantial revenue from goods and services provided to persons or entities in the State of Texas and in this District. Further, on information and belief, Defendant is subject to the Court's personal jurisdiction at least due to its sales of the accused instrumentality from within the State of Texas and within this District. Defendant has committed such purposeful acts and/or transactions in the State of Texas and in this District such that it reasonably should know and expect that it could be haled into this Court as a consequence of such activity.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). On information and belief, Defendant has sufficient contacts with the State of Texas and this District such that this Court is a fair and reasonable venue for the litigation of this action. On information and belief, from and within this District Defendant has committed at least a portion of the infringements at issue in this case. In addition, on information and belief, Defendant has derived substantial revenues from its infringing acts and is subject to personal jurisdiction in this

District for at least the reasons identified above, including due at least to its sale and offer for sale of the Accused Instrumentality (defined below) within the State of Texas and from this District.

7. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

III. COUNT I
(PATENT INFRINGEMENT OF UNITED STATES PATENT NO. 7,084,735)

8. Plaintiff incorporates the above paragraphs herein by reference.

9. On August 1, 2006, United States Patent No. 7,084,735 (“the ‘35 Patent”) was duly and legally issued by the United States Patent and Trademark Office. The ‘35 Patent is titled “Remote Vehicle Security System.” A true and correct copy of the ‘35 Patent is attached hereto as Exhibit A and incorporated herein by reference.

10. Autoloxer is the assignee of all right, title and interest in the ‘35 patent, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the ‘35 Patent. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the ‘35 Patent by Defendant.

11. The ‘35 Patent has been cited as prior art during the prosecution history of subsequently-issued United States patents, including patents assigned to Polaris Industries Inc. and Caterpillar Inc.

12. **Direct Infringement.** Upon information and belief, Defendant has been and now is directly infringing at least claim 1 of the ‘35 patent in the State of Texas, in this District, and elsewhere in the United States, by actions comprising making, using, selling and/or offering for sale vehicles with the MAGTEC system (“Accused Instrumentality”), and/or similar

functionality, which include a system for limiting performance of a vehicle comprising a first controller located aboard said vehicle and configured to control, in accordance with a stimulus originating from a location local to the vehicle, to a first operational performance characteristic; a command device located remotely from the vehicle and configured to send a control signal via a wireless communication network; a receiving device located aboard said vehicle and configured to receive said control signal; and a second controller located aboard the vehicle and configured to limit, in response to said control signal, said control of said vehicle to a second operational performance characteristic when said stimulus indicates to said first controller to control said vehicle to the first operational performance characteristic; wherein said second controller is further configured to (i) transmit to said first controller, responsive to said control signal, a vehicle limitation command message to place said vehicle in a vehicle limitation mode, and (ii) cause a vehicle limitation flag to be stored in non-volatile memory, and wherein said vehicle limitation flag is indicative of maintaining said vehicle in said vehicle limitation mode.

13. On information and belief, the Accused Instrumentality is a computerized control system for vehicles. The Accused Instrumentality includes a first controller, for example, the internal controller in the vehicle that responds to the stimulus from inside the vehicle, such as the steering wheel and the accelerator pedal.

14. On information and belief, the Accused Instrumentality includes a computer system (*i.e.*, a command device) located remote from the vehicle. The computer system allows for remote operation and control through cellular service sent from a source device (*e.g.*, MAGTEC's system and/or the MAGTEC LiNK) to a destination device (*e.g.*, a receiver on the vehicle) to control the operation on the vehicle.

15. On information and belief, the Accused Instrumentality includes a receiving device for the wireless communication system in the vehicle (cellular device) capable of receiving the wireless control signal from the MAGTEC command device and/or MAGTEC LiNK by remote access.

16. On information and belief, the Accused Instrumentality includes a second controller located aboard the vehicle, for example, the system that allows the settings to limit performance characteristics of the vehicle on the basis of the wireless control signals received. The second controller is configured to control/set the speed of the vehicle (*i.e.*, the second operational characteristic), including Acceleration Control System, and Speed and Idle Management, in response to a prior control signal. The second controller (*e.g.*, the receiver of the vehicle that receives the signal from the computer system and institutes a corresponding characteristic change in response to the signal) is configured to transmit to the first controller (*e.g.*, the internal controller in the vehicle that responds to the sensors with which it is equipped and stimulus from the operator) to act according to the commands received from the computer system rather than from the first controller (*e.g.*, remove the driver's ability to maintain speed or accelerate). On information and belief, the second controller is configured to cause a vehicle limitation flag to be stored in non-volatile memory so that losing power will not eliminate the vehicle limitation flag indicative of maintaining the vehicle in vehicle limitation mode.

17. Plaintiff has been damaged as a result of Defendant's infringing conduct. Defendant is thus liable to Plaintiff for damages in an amount that adequately compensates Plaintiff for such Defendant's infringement of the '735 patent, *i.e.*, in an amount that by law cannot be less than would constitute a reasonable royalty for the use of the patented technology, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

18. On information and belief, Defendant will continue its infringement of one or more claims of the '735 patent unless enjoined by the Court. Each and all of the Defendant's infringing conduct thus causes Plaintiff irreparable harm and will continue to cause such harm without the issuance of an injunction.

19. On information and belief, Defendant has had at least constructive notice of the '735 patent by operation of law, and there are no marking requirements that have not been complied with.

IV. JURY DEMAND

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. 7,084,735 has been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- b. Judgment that Defendant account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendant's infringing activities and other conduct complained of herein;
- c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- d. That Defendant be permanently enjoined from any further activity or conduct that infringes one or more claims of United States Patent No. 7,084,735; and
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: August 24, 2016

Respectfully submitted,

/s/David R. Bennett

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**ATTORNEY FOR PLAINTIFF
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