

3. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 3600 State Route 66, Suite 400, Neptune, NJ 07753. Upon information and belief, Defendant may be served with process at Corporation Service Company, 2711 Centerville Rd. Suite 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

4. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*

5. This Court has personal jurisdiction over Defendant by virtue of its systematic and continuous contacts with this jurisdiction, as evidenced by its right to transact business in Texas, as well as because of the injury to RDC.

6. Defendant is subject to this Court's personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business and purposeful availment of this forum, 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 Texas and in this judicial district. Upon information and belief, Defendant, directly and/or through its employees and/or agents, and/or customers, uses accused products, as defined below, with the knowledge and/or understanding that such accused products are used or will be used in this District. Upon information and belief, Defendant has engaged in substantial and not isolated activity within this District. Therefore, exercise of jurisdiction over Defendant will not offend traditional notions of fair play and substantial justice. Such an exercise is consistent with the Texas long-arm statute.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Defendant is subject to personal jurisdiction in this district, has regularly conducted business in this judicial district and certain of the acts complained of herein occurred in this judicial district.

FACTUAL ALLEGATIONS

The '872 Patent

8. On November 25, 2008, the United States Patent and Trademark Office (“USPTO”) duly and legally issued the ‘872 patent, entitled “Device and method for embedding and retrieving information in digital images” after a full and fair examination. (Exhibit A).

9. RDC is presently the owner of the patent, having received all right, title and interest in and to the ‘872 patent from the previous assignee of record. RDC possesses all rights of recovery under the ‘872 patent, including the exclusive right to recover for past infringement.

10. The ‘872 patent contains two independent claims and thirty-seven dependent claims.

11. The ‘872 patent claims locational image devices and methods for verifying an assignment of a user.

12. Defendant commercializes, *inter alia*, locational image software for devices that include each and every element and/or performs each and every step of at least one claim of the ‘872 patent.

13. The invention claimed in the ‘872 patent comprises a device and method for embedding and retrieving information in digital images.

Defendant's Products

14. The accused products include, but are not limited to, the “Workwave Route Manager” (the “Accused Product”). At least during testing, the Accused Product comprises a locational image verification device (e.g., a mobile device installed with Workwave Route Manager application and enabled with photo capture and location services such as GPS or manual entry of location details) for verifying an assignment of a user (e.g., the job assigned to the user).

15. At least during testing, the Accused Product includes a user verification module (e.g., the Workwave Route Manager application on the mobile device) for verifying an identity of a user of the device (e.g. the login details that verify the identity of the user using the application).

16. At least during testing of the Accused Product, and upon verification of the user (e.g. after providing the login details), the user verification module (e.g., the Workwave Route Manager application on the mobile device) enables operation of the device and provides an assignment to the user (e.g. the job assigned to the user).

17. At least during testing, the Accused Product includes a capture module (e.g., camera of the mobile device which uses Workwave Routr Manager application) for capturing an image relating to the assignment (e.g. capturing photos for proof of delivery) and creating a digital image file (e.g. the image file created in the form of .jpg or .png); wherein the user verification module (e.g., the Workwave Route Manager application on the mobile device) verifies the identity of the user of the device at a time of the image capture (e.g. the identity of the technician is associated with the captured image).

18. At least during testing, the Accused Product includes a locational information module (e.g., GPS provided in the mobile device running Workwave Route Manager) for determining a location of the device when capturing the image (e.g., the Workwave Route Manager uses the location services for determining the location of the driver when the driver capture the

photo of goods delivered for proof of delivery). Furthermore, the Accused Product includes a date and time module (e.g., the WORKWAVE ROUTE MANAGER mobile application) for determining a date and time of the image capture (e.g., properties of the photo captured include data and time; as another example, start and end time and date of the delivery is recorded).

19. At least during testing, the Accused Product includes a processing module (e.g., the processor of the mobile device or backend) for associating the assignment (e.g., Order ID), the user identity (e.g., user who is logged-in), location information (e.g., geotag of the image taken for proof of delivery), and the time and date (e.g., properties of the captured image include data and time; as another example, start and end time and date of delivery when image is captured) to the digital image file (e.g., image file in the form of .jpg or .png).

20. The Accused Product encryption module for encrypting the digital image file and associated information upon image capture (e.g. encryption used by the Workwave Route Manager).

21. The elements described in paragraphs 14-20 are covered by at least claim 1 of the '872 patent. Such combination of elements can only be used in a way that infringes the '872 patent. Thus, Defendant's use of the Accused Product is enabled by the device described in the '872 patent.

INFRINGEMENT OF THE '872 PATENT

22. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1 to 21.

23. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly and indirectly infringing the '872 patent.

24. Defendant has had knowledge of infringement of the '872 patent at least as of the service of the present complaint.

25. Defendant has directly infringed and continues to directly infringe at least claim 1 of the '872 patent by using the Accused Product without authority in the United States, and will continue to do so unless enjoined by this Court. As a direct and proximate result of Defendant's direct infringement of the '872 patent, Plaintiff has been and continues to be damaged.

26. Defendant has indirectly infringed and continues to indirectly infringe at least claim 1 of the '872 patent by actively inducing its respective customers, users, and/or licensees to directly infringe by using, selling, offering to sell and/or importing the Accused Product. Defendant engaged or will have engaged in such inducement having knowledge of the '872 patent. Furthermore, Defendant knew or should have known that its action would induce direct infringement by others and intended that its actions would induce direct infringement by others. For example, Defendant sells, offers to sell and advertises the Accused Product through websites or digital distribution platforms that are available in Texas, specifically intending that its customers use it on mobile devices.¹ Furthermore, Defendant's customers' use of the Accused Product is facilitated by the use of the device and method described in the '872 patent. As a direct and proximate result of Defendant's indirect infringement by inducement of the '872 patent, Plaintiff has been and continues to be damaged.

27. By engaging in the conduct described herein, Defendant has injured RDC and is thus liable for infringement of the '872 patent, pursuant to 35 U.S.C. § 271.

¹ <https://www.workwave.com/route-manager;>
<https://itunes.apple.com/us/app/workwave-route-manager/id1012288924?mt=8;>

28. Defendant has committed these acts of infringement without license or authorization.

29. As a result of Defendant's infringement of the '872 patent, RDC has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

30. RDC will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court. As such, RDC is entitled to compensation for any continuing and/or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement.

DEMAND FOR JURY TRIAL

31. RDC demands a trial by jury of any and all causes of action.

PRAYER FOR RELIEF

WHEREFORE, RDC prays for the following relief:

1. That Defendant be adjudged to have infringed the '872 patent, directly and/or indirectly, by way of inducement, literally and/or under the doctrine of equivalents;

2. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly and/or indirectly infringing the '872 patent;

3. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate RDC for the Defendant's past infringement and any continuing or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement, including compensatory damages;

4. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;

5. That Defendant be directed to pay enhanced damages, including RDC's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285; and

6. That RDC have such other and further relief as this Court may deem just and proper.

Dated: October 4, 2016

Respectfully Submitted,

By: /s/Eugenio J. Torres-Oyola

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 4th day of October, 2016.

/s/ Eugenio J. Torres-Oyola
Eugenio J. Torres Oyola