

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

FIRST-CLASS MONITORING, LLC,)	
)	
Plaintiff,)	
)	Civil Action No. 2:16-cv-1211
v.)	
)	JURY TRIAL DEMANDED
CALAMP CORP.,)	
)	
Defendant.)	
_____)	

COMPLAINT

For its Complaint, Plaintiff First-Class Monitoring, LLC ("First-Class Monitoring"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. First-Class Monitoring is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 400, Plano, Texas 75093.
2. Defendant CalAmp Corp. is a Delaware company with, upon information and belief, a place of business located at 15635 Alton Parkway, Suite 250, Irvine, California 92618.
3. Upon information and belief, Defendant has a place of business located in Richardson, 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 June 14, 2011, U.S. Patent No. 6,014,089 (the "'089 patent"), entitled "Method for Transmitting Data Using a Digital Control Channel of a Wireless Network," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '089 patent is attached hereto as Exhibit A.

9. The '089 patent solves problems of monitoring utility usage and other information on varying reading schedules and different levels of frequency of data interrogation (profiling). It ensures information from utility meters and other devices can be provided via digital transmission using the short message service portion of a personal communications system network using digital technology operating at any frequency.

10. First-Class Monitoring is the assignee and owner of the right, title and interest in and to the '089 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. 6,014,089

11. First-Class Monitoring repeats and realleges the allegations of paragraphs 1 through 10 as if fully set forth herein.

12. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claim 7 of the '089 patent by making, using, importing,

offering for sale, and/or selling an apparatus and method for transmitting a data sequence via a personal communications system transmission protocol, including, but not limited to, LMU-800.

13. More specifically and upon information and belief, Defendant's LMU-800 uses a method for transmitting a data sequence via a personal communications system transmission protocol. *See* LMU-800 GPRS/CDMA/HSPA Series Datasheet ("Datasheet") at p. 1 (available at http://www.calamp.com/system/files/resources/hardware-spec-sheets/calamp_lmu800datasheet.pdf (last accessed Oct. 25, 2016)). The LMU-800 automatically collects movement and position data. *Id.* at pp. 1-2. The LMU-800 composes a data packet including the collected data and in a form that conforms to conventional short message data. *Id.*; *see also* <http://www.androidauthority.com/what-is-sms-280988/> (last accessed Oct. 25, 2016). The LMU-800 inserts collected data into a short message service portion of a GSM network as an SMS message. *See* Datasheet at pp. 1-2; *see also* <http://computer.howstuffworks.com/e-mail-messaging/sms.htm> (last accessed Oct. 25, 2016). The LMU-800 transmits a data packet to an access point via a short message service portion of a GSM network as an SMS message. *See* Datasheet at pp. 1-2.

14. Upon information and belief, Defendant's LMU-800 is sold at stores located in Texas, including, but not limited to stores located in San Antonio.

15. First-Class Monitoring is entitled to recover from Defendant the damages sustained by First-Class Monitoring as a result of Defendant's infringement of the '089 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

First-Class Monitoring hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, First-Class Monitoring requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '089 patent;
- B. An award of damages to be paid by Defendant adequate to compensate First-Class Monitoring for Defendant's past infringement of the '089 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 First-Class Monitoring's reasonable attorneys' fees; and
- D. An award to First-Class Monitoring of such further relief at law or in equity as the Court deems just and proper.

Dated: October 28, 2016

/s/ Richard C. Weinblatt

Stamatios Stamoulis DE SB #4606
Richard C. Weinblatt DE SB #5080 – Lead Counsel
Stamoulis & Weinblatt LLC
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
Telephone: (302) 999-1540
Facsimile: (302) 762-1688
stamoulis@swdelaw.com
weinblatt@swdelaw.com

*Attorneys for Plaintiff
First-Class Monitoring, LLC*