

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

PerdiemCo LLC,

Plaintiff,

v.

Telular Corporation; SkyBitz Inc.; SkyBitz  
Tank Monitoring Corporation, formerly  
known as TankLink Corporation; SkyBitz  
Petroleum Logistics, LLC, formerly known as  
SmartLogix, LLC; Wayupay LLC d/b/a  
Reltima; and TV Management, d/b/a GPS  
North America

Defendants.

Cause No. 2:16-cv-1408

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff PerdiemCo LLC (“PerDiem”) files this complaint against Telular Corporation; SkyBitz Inc.; SkyBitz Tank Monitoring Corporation, formerly known as TankLink Corporation; SkyBitz Petroleum Logistics, LLC, formerly known as SmartLogix, LLC; and Wayupay LLC d/b/a Reltima; and TV Management, d/b/a GPS North America, (collectively, “Defendants”) for infringement of U.S. Patent Nos. 8,149,113 (“the ’113 patent”); 8,223,012 (“the ’012 patent”); 9,003,499 (“the ’499 patent”); 9,071,931 (“the ’931 patent”); 9,119,033 (“the ’033 patent”); 9,319,471 (“the ’471 patent”); and 9,485,314 (“the ’314 patent”) (collectively, “patents-in-suit”). PerDiem hereby alleges as follows:

### **Nature of the Suit**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

### **The Parties**

2. PerDiem is a Texas limited liability company with its principal place of business at 505 E Travis Street, Suite 205, Marshall, TX 75670-4258.

3. Darrell Diem, the inventor of the patents-in-suit and Chief Technology Officer of PerDiem, served in the Air Force for four years as an electronics technician. After being honorably discharged, Mr. Diem worked his way through college to earn degrees in physics and math from Marquette University. Mr. Diem also obtained a Masters of Business Administration from Michigan State, and a Masters of Arts in Pastoral Ministries from St. Thomas University, Miami, Florida. Mr. Diem has worked for Motorola, Harris Corporation, Time Domain, and other leading technology companies. Mr. Diem currently teaches computers to students at St. John the Baptist Catholic School.

4. Mr. Diem conceived the inventions in the patents-in-suit when his daughter's car broke down on a long road trip. Mr. Diem wanted to convey location information for his daughter in an efficient way that would still protect her privacy. Mr. Diem's inventions, which have a broad range of significant applications, are widely used today.

5. Telular Corporation ("Telular") is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business at 200 South Wacker Drive, Suite 1800, Chicago, IL 60606. Telular can be served with process through its registered agent, Corporation Service Company D/B/A CSC – LAWYERS INCO, 211 E. 7th Street, Suite 620, Austin, TX 78701.

6. Telular Corporation is not, and has never been, licensed to practice any of the patents-in-suit.

7. SkyBitz Inc. (“SkyBitz”) is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business at 200 South Wacker Drive, Suite 1800, Chicago, IL 60606. SkyBitz can be served with process through its registered agent, Corporation Service Company D/B/A CSC – LAWYERS INCO, 211 E. 7th Street, Suite 620, Austin, TX 78701.

8. Skybitz is not, and has never been, licensed to practice any of the patents-in-suit.

9. SkyBitz Tank Monitoring Corporation, formerly known as TankLink Corporation, (“TankLink”) is a corporation organized and existing under the laws of the state of Illinois, with its principal place of business at 200 South Wacker Drive, Suite 1800, Chicago, IL 60606. TankLink can be served with process through its registered agent, William Steckel, 200 South Wacker Drive, Suite 1800, Chicago, IL 60606.

10. Tanklink is not, and has never been, licensed to practice any of the patents-in-suit.

11. Wayupay LLC d/b/a Reltima (“Reltima”) is or was a corporation organized and existing under the laws of the state of New Jersey, with its principal place of business at 800 West Cummings Park, Suite 6550, Woburn, MA 01801. To the extent Reltima remains an independent company, Reltima can be served with process through its registered agent, Andrew Petrov, 2 Euston Street #6, Brookline, MA 02446. To the extent Reltima is no longer an independent company, Reltima can be served through SkyBitz.

12. Reltima is not, and has never been, licensed to practice any of the patents-in-suit.

13. SkyBitz Petroleum Logistics, LLC, which consists at least in part of the entity formerly known as SmartLogix, LLC, (collectively, “SmartLogix”) is a corporation organized

and existing under the laws of the state of South Carolina, with its principal place of business at 10306 Barberville Rd., Ft. Mill, SC 29707. SmartLogix can be served with process through its registered agent, Corporation Service Company D/B/A CSC – LAWYERS INCO, 211 E. 7th Street, Suite 620, Austin, TX 78701.

14. SmartLogix is not, and has never been, licensed to practice any of the patents-in-suit.

15. TV Management d/b/a GPS North America (“GPS NA”) is a corporation organized and existing under the laws of the state of Pennsylvania, with its principal place of business at 406 Executive Drive, Langhorne, PA 19047. GPS NA can be served with process at 406 Executive Drive, Langhorne, PA 19047.

16. GPS NA is not, and has never been, licensed to practice the ’113, ’033, ’471, and ’314 patents.

17. SkyBitz is a wholly-owned subsidiary of Telular.

18. Upon information and belief, TankLink is a wholly-owned subsidiary of either Telular or SkyBitz.

19. In July 2015, Telular acquired Reltima and GPS NA. Upon information and belief, following that acquisition, SkyBitz combined Reltima and GPS NA and branded the unit “SkyBitz Local Fleets.”

20. Upon information and belief, Telular and SkyBitz have legal ownership and operational control of Reltima and GPS NA.

21. In October 2015, Telular acquired SmartLogix, LLC and later changed the company’s name to SkyBitz Petroleum Logistics, LLC.

22. Joinder is proper because SkyBitz Inc., SkyBitz Tank Monitoring Corporation, formerly known as TankLink Corporation; SkyBitz Petroleum Logistics, LLC, formerly known as SmartLogix, LLC; Wayupay LLC d/b/a Reltima; and TV Management, d/b/a GPS North America are related corporate entities and subsidiaries of Telular. Moreover, joinder is proper in this case because all of the accused products relate to tracking the location of objects in a way that infringes the patents in suit. Therefore, there is substantial evidentiary overlap in the facts giving rise to this cause of action.

### **The Accused Products**

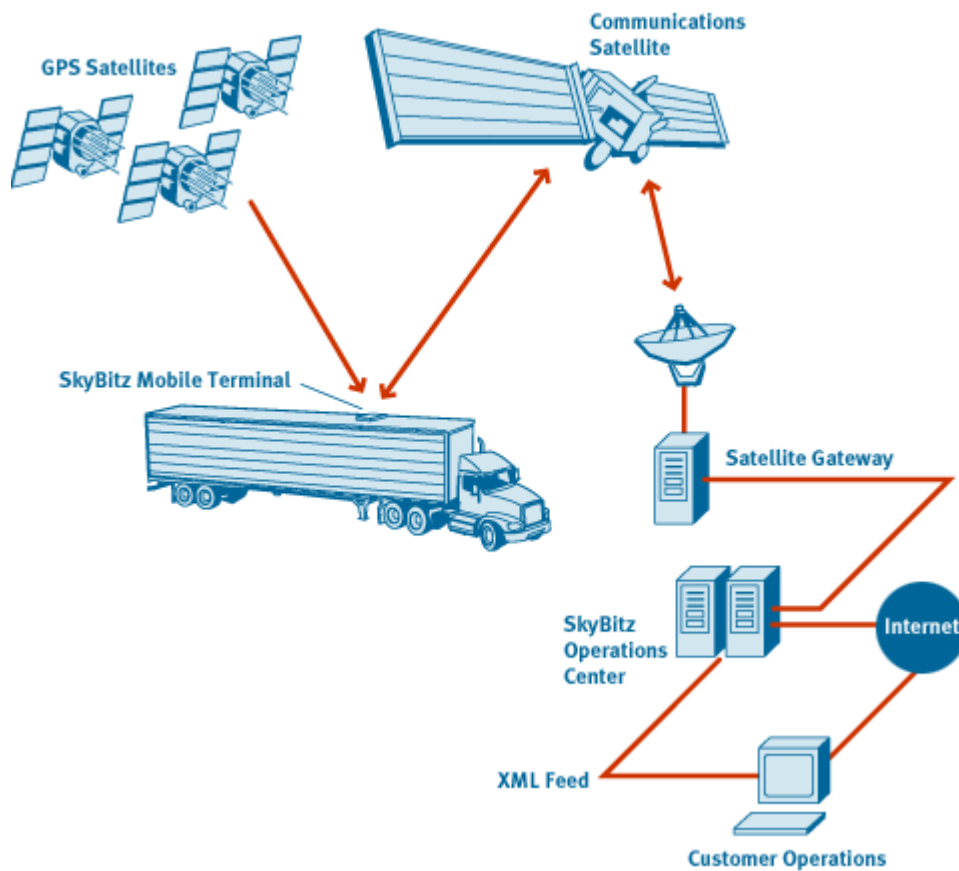
23. Defendants make, use, sell, offer for sale, and/or import products and services that infringe the patents-in-suit. Defendants Telular and SkyBitz offer at least “SkyBitz Enterprise Fleets,” including servers providing the functionality available through the InSight web-based application (“SkyBitz Accused Products”). Defendants Telular, SkyBitz, and TankLink offer at least “SkyBitz Tank Monitoring,” including servers providing the functionality available through the TankData application (“TankLink Accused Products”). Defendants Telular, SkyBitz, and Reltima offer at least “Perigee GPS Fleet Management,” which includes but is not limited to the Reltima Driver/Dispatch System, Reltima DuraTrac system, and Reltima HOS Electronic Driver Log System (“Perigee Accused Products”); and Defendants Telular, SkyBitz, and SmartLogix offer at least the SmarTank, SmarTruck, and SmartLynx systems (“SmartLogix Accused Products”) (collectively, the “Accused Products.”).

24. Defendants Telular and GPS NA offer at least “GPS NA Local Fleets,” including servers providing the functionality available through the SkyBitz Local Fleets portal (“GPS NA Accused Products”).

### **SkyBitz Accused Products**

25. SkyBitz claims to be “the leading remote asset and trailer tracking system and information management service provider. SkyBitz Enterprise Fleets remote asset management solutions are real-time decision-making tools for companies with unpowered assets such as tractor-trailers, intermodal containers, rail cars, power generators, heavy equipment and other assets.” <http://www.skybitz.com/enterprise-fleets/about-us/overview>.

26. SkyBitz provides a server-based solution:



[http://www.metrotrailer.com/road\\_trailers/optional-trailer-products](http://www.metrotrailer.com/road_trailers/optional-trailer-products). Skybitz’s centralized approach avoids “the high-power consumptions of on-board calculations. Instead, the SkyBitz Service Operation Center performs positioning calculations centrally . . . dramatically reducing power consumption and the cost and inconvenience associated with frequent battery replacement.”

<http://www.businesswire.com/news/home/20100126005413/en/SkyBitz-Strengthens-Market-Leadership-Remote-Asset-Management>.

27. SkyBitz’s “satellite GPS tracking gives you continuous access to the status and location of your assets, no matter where they travel.” <http://www.skybitz.com/enterprise-fleets>.

28. “SkyBitz employs a variety of remote asset tags and associated intelligent sensors to monitor and report the location and the condition of trailers or intermodal containers, onboard equipment and cargo. The flexibility and adaptability of SkyBitz solutions drive more informed decision making and operational processes as businesses seek to become more efficient and support growth.” <http://www.skybitz.com/enterprise-fleets/truckingandlogistics>.

29. SkyBitz also uses unique identification codes to track its drivers and assets, including trailer numbers and serial numbers:



<https://www.youtube.com/watch?v=W34ctBis8aU>.

30. SkyBitz also uses other methods for uniquely identifying users and assets, including log-ins and passwords (<https://insight.skybitz.com/login.jsp>). Also, technology like the aforementioned asset tags and associated intelligent sensors (<http://www.skybitz.com/enterprise-fleets/truckingandlogistics>) are known to use unique identifying codes.

31. “SkyBitz as a Service (SBS) is a comprehensive subscription-based solution for trailer logistics and asset information management technology.”

<http://www.skybitz.com/enterprise-fleets/skybitz-as-a-service>.

32. Through SkyBitz Enterprise Fleets, SkyBitz provides a web-based, server-based system called “SkyBitz Insight.” SkyBitz provides a portal login that allows its customers to manage and track assets online, in real time:



The Leader in Asset Tracking

A screenshot of the SkyBitz Customer InSight login page. The page is divided into two main sections. The left section is a login form with the following text: "Welcome to SkyBitz Customer InSight. Log In now to manage and track assets online, in real-time. If you have any questions call Customer Care at 1-866-875-9248." Below this text are two input fields: "User Name" and "Password", each with a small "x" icon to its right. Below the input fields is a blue "GO" button. Below the button is a red link that says "Forgot your Password?". The right section is a "Customer Support" box with the following text: "Customer Support WE'RE HERE TO SUPPORT YOU. Have a question? Need assistance? Call us 1-866-875-9248 or [contact us online](#)." The "online" link is underlined and red.

<https://insight.skybitz.com/login.jsp>.

33. “InSight makes information available in ways that are meaningful to you. The system is personalized and customizable.”

<http://www.skybitz.com/Portals/0/Documents/InSight%20Web%20Application%20Data%20Sheet%20-%20Proof%2004.pdf>.

34. As part of its web application, SkyBitz InSight, SkyBitz provides the “unique capabilit[y]” of “establishing a radius to create a SkyFence for real-time monitoring of assets entering or exiting the parameters.” <http://www.skybitz.com/enterprise-fleets/powerful-data>.





Multiple SkyFences/GeoFences

<http://www.skybitz.com/Portals/0/Documents/InSight%20Web%20Application%20Data%20Sheet%20-%20Proof%2004.pdf>. “The SkyFence area around a Landmark can be circular in shape or, with Multi-Point Landmarks, you can create an irregular shape using up to 20 plotting points.” *Id.*

35. The SkyBitz Enterprise Fleets system provides alerts when an asset enters or exits one of the SkyFences/GeoFences. “When a SkyFence area is in the system, you can choose to receive notifications when one of your assets enters or exits the specified area.” *Id.*; *see also* <http://www.skybitz.com/enterprise-fleets/powerful-data/customized-alerts>.

36. SkyBitz Enterprise Fleets allows customers to manage the security of their fleets through the server-based system. For example, when a customer logs onto the system, it allows them to “[r]eview and manage user account access.”

<http://www.skybitz.com/Portals/0/InSight%20Now%20Data%20Sheet%20-02%20FINAL.pdf>. Different employees may have different levels of access control. For example, in the Account Dashboard View, the “Account Administrator can benefit from quick summaries of account and user information such as user access levels . . . .” *Id.*

### 3. Account Dashboard View

The Account Administrator can benefit from quick summaries of account and user information such as user access levels, device shipments, notifications management, service type, and custom landmarks management. Using this information, Administrators can analyze and determine if adjustments need to be made with user access, account setup, or service.



*Id.*

37. SkyBitz Enterprise Fleets allows customers to analyze groups of assets. For example, it provides data for Trailer Pools, which “provide a cohesive overview of trailer pools by market with the ability to drill down into the details in each region.”

<http://www.skybitz.com/Portals/0/InSight%20Trends%20Data%20Sheet%20-%20Final%20WEB.pdf>; *see also* <http://www.skybitz.com/enterprise-fleets/powerful-data/data-analytics>.

38. SkyBitz provides a solution where an asset being transmitted is tracked separately and in addition to the vehicle being transmitted. This facilitates situations where such cargo may be transmitted through different trucks, or by boat or other means.

<http://www.tmcnet.com/tmc/videos/default.aspx?vid=2733>.

### TankLink Accused Products

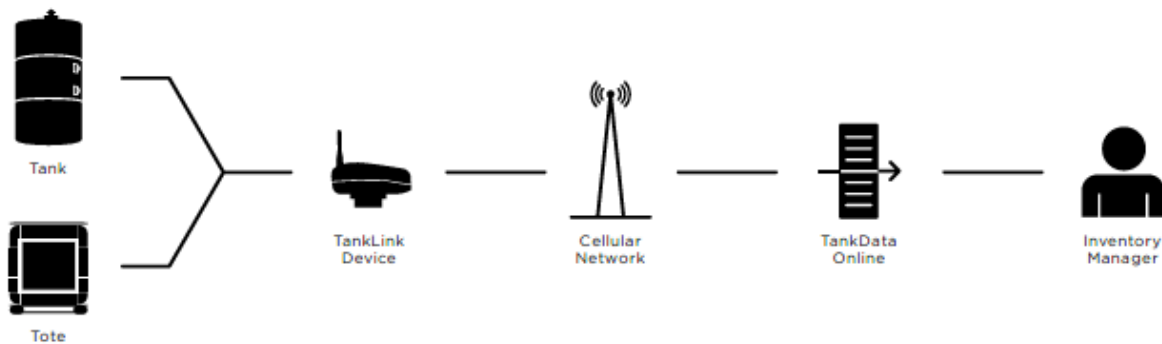
39. TankLink touts its product as a system for “remote tank monitoring, asset tracking, and data reporting services through a sole source combination of hardware, sensors, and software applications to deliver critical tank level & other metrics data[.]”

<https://web.archive.org/web/20161025223821/http://www.tanklink.com/>. Telular and SkyBitz have recently rebranded TankLink as “SkyBitz Tank Monitoring.”

<http://www.lpgasmagazine.com/tanklink-rebrands-as-skybitz-tank-monitoring/>.

40. TankLink provides a server-based solution, with GPS trackers like the TankLink 90 sending location information to the TankData web portal: “The TankLink 90, with fully integrated GPS functionality enables precise tank location for greater efficiency. Location information is available 24/7 through the TankData Online web portal.”

<https://web.archive.org/web/20130131120456/http://www.tanklink.com/NewsEvents/PressReleases/ctl/ArticleView/mid/453/articleId/32>. The following graphic from TankLink illustrates communications between the GPS units and the TankData system:



<https://web.archive.org/web/20130203035225/http://www.tanklink.com/Portals/0/Documents/TankLink%20Product%20Line%20Data%20Sheet%20-%20Final.pdf>. Skybitz continues to sell the TankLink 90 as the SMARTank 90. <http://www.skybitz.com/tank-monitoring/smartank-monitors/series-90>;

[http://www.skybitz.com/Portals/0/Documents/SkyBitz%20Tank%20Monitoring%20-%20ST90%20Series%20Data%20Sheet%20-%20Final%20WEB\\_ST90.pdf](http://www.skybitz.com/Portals/0/Documents/SkyBitz%20Tank%20Monitoring%20-%20ST90%20Series%20Data%20Sheet%20-%20Final%20WEB_ST90.pdf).

41. TankLink conveys information through a map interface: “Map View gives a summary of all your tanks by location on a single map. You can filter tanks views, export map data and get summary information making dispatcher planning more efficient and responding to alarms even easier!” <http://www.skybitz.com/tank-monitoring/smartank-portal>.

42. TankLink integrates multiple sensors with the TankData system. For example, the TankLink 90 includes GPS functionality, differential pressure sensing, and temperature sensing.

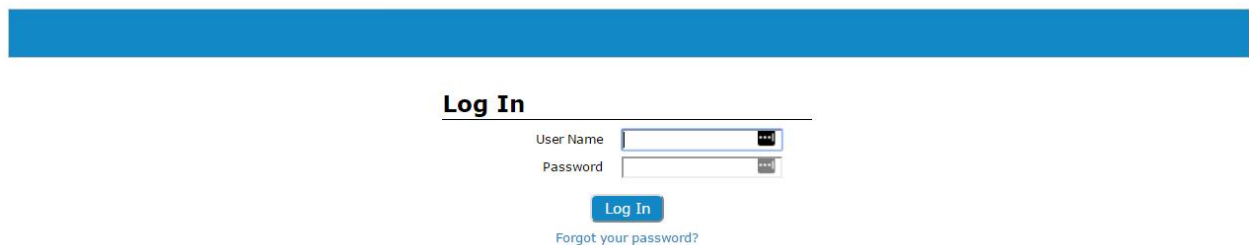
[https://web.archive.org/web/20130228062133/http://www.tanklink.com/Portals/0/Documents/TankLink90\\_ProductDatasheet\\_final\\_forweb.pdf](https://web.archive.org/web/20130228062133/http://www.tanklink.com/Portals/0/Documents/TankLink90_ProductDatasheet_final_forweb.pdf).

43. TankLink uses identification codes to track users and assets. For example, SkyBitz uses a GPS tracking system with built-in cellular functionality called the TankLink 90.

[https://web.archive.org/web/20130228062133/http://www.tanklink.com/Portals/0/Documents/TankLink90\\_ProductDatasheet\\_final\\_forweb.pdf](https://web.archive.org/web/20130228062133/http://www.tanklink.com/Portals/0/Documents/TankLink90_ProductDatasheet_final_forweb.pdf). Such devices are known to use unique serial numbers or other identification codes.

44. TankLink also uses other methods for uniquely identifying users and assets, including TankData log-ins and passwords, both through the TankData web interface (<http://www.smartank.com/portal/open/Logon.aspx?ReturnUrl=%2fportal>) and the TankData mobile app (<https://play.google.com/store/apps/details?id=com.tanklink.prod1&hl=en>). The following screenshots illustrate these logins:

**SMARTank** by  **SkyBitz**



**Log In**

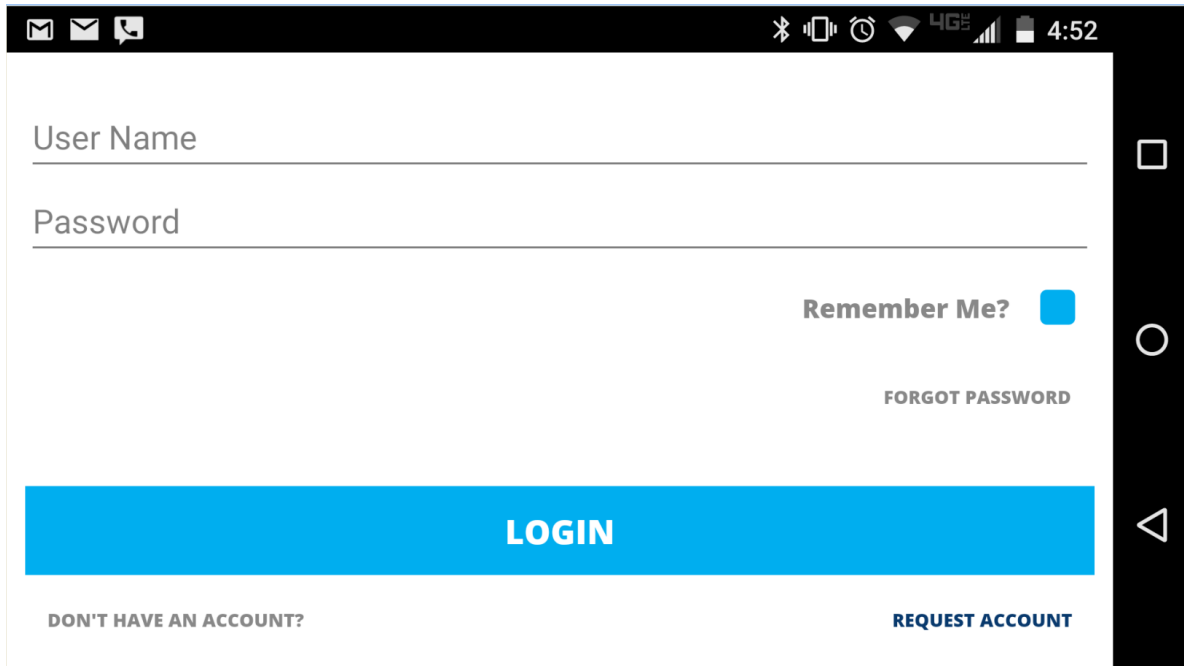
User Name

Password

[Log In](#)

[Forgot your password?](#)

<http://www.smartank.com/portal/open/Logon.aspx?ReturnUrl=%2fportal>.



Screenshot from TankData mobile app, downloaded from Google Play store.

45. As part of its TankData web application, TankLink provides users with configurable alert functionality.

<https://web.archive.org/web/20160804174513/http://www.tanklink.com/TankDataOnline>.

TankLink can send these alerts “to any number of e-mail address[es] or cell phones by alarm type.” <https://web.archive.org/web/20160804174513/http://www.tanklink.com/TankDataOnline>.

46. TankLink allows customers to manage security for their assets through the server-based system. As shown above, TankLink secures access to the TankData system with individual user log-ins and passwords. TankLink can also provide complete views for tank owners and restricted views for tank partners: ““Partner View” allows regional/nat[ional] customers to view all tanks serviced by multiple suppliers.”

<http://www.skybitz.com/Portals/0/Documents/Tank%20Level%20and%20Analytics.pdf>; *see also*

<https://web.archive.org/web/20130228095512/http://www.tanklink.com/Portals/0/Documents/Ta>

nkLink%20Application%20Sheet%20-%20DEF%20Solutions%20-%20Final%20-%20WEB\_October%2012\_11.pdf (“Partner view feature allows you to safely share tank data with 3rd parties.”).

47. TankLink provides customers a means for analyzing groups of assets. As TankLink explains: “All telemetry updates are archived at the TankLink Operations Center, and then compiled on our secure web portal – TankData Online. Data can be easily exported for external spreadsheet processing. Product usage information can be charted graphically online. Additionally, key performance matrices are reported for a specific vessel, or across a population.”

<https://web.archive.org/web/20160804174513/http://www.tanklink.com/TankDataOnline>.

*SmartLogix Accused Products*

48. SmartLogix touts its system as providing “[r]eal-time inventory information generated from wireless tank level monitors, GPS tracking for enhanced fleet management, and exception reporting[.]” <http://www.smartlogixinc.com/>. Telular and SkyBitz have recently rebranded SmartLogix as “SkyBitz Petroleum Logistics.”

<http://fuelmarketernews.com/smartlogix-a-iot-provider-of-petroleum-management-inventory-and-transportation-logistics-solutions-is-now-skybitz-petroleum-logistics/>.

49. SmartLogix provides a server based solution. For example, “[a]ll driver hours and maintenance is tracked in real time and historical data stored for easy access via [SmartLogix’s] customized web portal.” <http://www.smartlogixinc.com/resource-area/faqs.asp?cat=8>. And “GPS data posts to SMARTMap and E-Log Website[.]” [http://www.smartlogixinc.com/Downloads/SMARTruck%20Onboard%20Technology%20\(2016\).pdf](http://www.smartlogixinc.com/Downloads/SMARTruck%20Onboard%20Technology%20(2016).pdf).

50. “SMARTruck Transportation logistics software offers petroleum distributors a feature-rich, real-time solution for processing orders, managing dispatch functions, digitally capturing delivery information, and real-time truck, driver, and product GPS tracking.”

<http://www.smartlogixinc.com/smart-products/smartruck.asp>.

51. SmartLogix integrates sensor data from multiple sources, including GPS, camera, document scanner, odometer sensor, and barcode reader.

[http://www.smartlogixinc.com/Downloads/SMARTruck%20Onboard%20Technology%20\(2016\).pdf](http://www.smartlogixinc.com/Downloads/SMARTruck%20Onboard%20Technology%20(2016).pdf).

52. SmartLogix uses identification codes to track users and assets. For example, SmartLogix uses handheld wireless devices and GPS black boxes.

[http://www.smartlogixinc.com/Downloads/SMARTruck%20Onboard%20Technology%20\(2016\).pdf](http://www.smartlogixinc.com/Downloads/SMARTruck%20Onboard%20Technology%20(2016).pdf). Such devices are known to use unique serial numbers or other identification codes.

53. SmartLogix also identifies users and assets through unique website logins (<http://www.smartank.com/portal/open/Logon.aspx?ReturnUrl=%2fportal>), timekeeper clock-ins by drivers (<http://www.smartlogixinc.com/smart-products/smartlynx-software.asp>), and similar methods.

54. SmartLogix provides web-based, server-based systems called “SmartLynx” (<http://www.smartlogixinc.com/smart-products/smartlynx-software.asp>), “EyeCue” ([http://www.smartlogixinc.com/Downloads/SMARTLynx%20Dispatch-EyeCue%20Dashboard%20\(2016\).pdf](http://www.smartlogixinc.com/Downloads/SMARTLynx%20Dispatch-EyeCue%20Dashboard%20(2016).pdf)), “SmartMap” ([http://www.smartlogixinc.com/Downloads/SMARTruck%20Onboard%20Technology%20\(2016\).pdf](http://www.smartlogixinc.com/Downloads/SMARTruck%20Onboard%20Technology%20(2016).pdf)), and “E-Log”

([http://www.smartlogixinc.com/Downloads/SMARTruck%20Onboard%20Technology%20\(2016\).pdf](http://www.smartlogixinc.com/Downloads/SMARTruck%20Onboard%20Technology%20(2016).pdf)).

55. As part of its location tracking system, SmartLogix provides the ability to follow drivers and assets using geofences.

<http://www.smartlogixinc.com/Downloads/Resource%20Tracking.pdf>.

56. SmartLogix provides a comprehensive alert system.

<http://www.smartlogixinc.com/Downloads/SMARTLogix%20Transportation%20Logistics%20Solutions.pdf>. SmartLogix can deliver alerts via text or email.

<https://www.youtube.com/watch?v=ge588jwGWt4> at 0:49 (“Receive Alarm Notifications via Text or Email”); <http://www.smartlogixinc.com/Downloads/Resource%20Tracking.pdf> (“Alerts Sent via Text or Email”).

57. SmartLogix allows customers to manage the security of their users and assets through the server-based system. For example, SmartLogix gates system access with user logins and passwords. <http://www.smartank.com/portal/open/Logon.aspx?ReturnUrl=%2fportal>.

SmartLogix also implements a “Partner View” that “allows regional/national customers to view all tanks serviced by multiple suppliers[.]” <http://colonialfuels.com/new/wp-content/uploads/SMARTank-Wireless-Tank-Monitors-Website2014.pdf>.

58. SmartLogix provides customers a means for analyzing groups of assets. For example, customers can generate reports “for violations, driver availability, driver time and mileage[.]” <http://www.smartlogixinc.com/smart-products/on-board-hardware.asp>.

*Reltima Accused Products*



59. Reltima touts Perigee as “a feature-rich, user-friendly GPS Fleet Management tool designed to give you total control when monitoring your fleet operations and activities.” [http://www.reltima.com/solutions\\_flmnt.html](http://www.reltima.com/solutions_flmnt.html).

60. Reltima provides a server-based solution, with GPS trackers like the “SmartAntenna send[ing] location metrics back to [Reltima’s] servers for dissemination into a customer’s Perigee account.” [http://www.reltima.com/solutions\\_sa.html](http://www.reltima.com/solutions_sa.html). Perigee is a server-based solution, as indicated by Reltima’s reference to passing location information to servers and as further demonstrated by its web-based login page. <http://www.perigeegps.com/>.

61. “Using Google maps the Perigee mapping module gives you the ability to see vehicle locations and current activity metrics while using Google ‘Traffic’ & ‘Street View’ to further define the actual vehicle or fleet location.” [http://www.reltima.com/solutions\\_flmnt.html](http://www.reltima.com/solutions_flmnt.html).

62. Reltima integrates multiple sensors with the Perigee system and configures them through the Perigee system: “Our Multiplexer, used in conjunction with the Smart Antenna, gives you the option of using multiple sensors to track activity for events such as Door Open/Close, Alarm on/off, Lights On/Off, PTO on/off and other user-defined triggers. The Perigee Sensor module also gives a user the ability to configure sensors based on a variety of wiring platforms so if a sensor is wired incorrectly it can usually be reconfigured from the Perigee application.” [http://www.reltima.com/perigeefeat\\_sensors.html](http://www.reltima.com/perigeefeat_sensors.html).

63. Reltima also uses identification codes to track drivers and assets. For example, Reltima uses a GPS tracking system with built-in cellular functionality called Smart Antenna: “Reltima offers a wide variety of GPS fleet management tools for sale through its Master Dealer network located throughout North America. Its flagship Smart Antenna product is a highly accurate, in-cab GPS fleet tracking device.” <http://www.skybitz.com/local-fleets/news->

events/press-releases/id/154/skybitz-a-telular-company-enters-agreement-to-acquire-reltima-and-gps-north-america. Such devices are known to use unique serial numbers or other identification codes.

64. Reltima also uses other methods for uniquely identifying users and assets, including Perigee log-ins and passwords (<http://www.perigeegps.com/>), an electronic driver log system ([http://www.reltima.com/solutions\\_driverlog.html](http://www.reltima.com/solutions_driverlog.html)), and the Reltima Mobile Timecard System, which “gives . . . drivers the ability to remotely log on and off the clock using a Garmin navigation device located in the vehicle cab.” ([http://www.reltima.com/solutions\\_mobiletime.html](http://www.reltima.com/solutions_mobiletime.html))

65. Reltima provides a Perigee login that allows its customers to manage and track assets online, in real time:

**SkyBitz Local Fleets** Enterprise Vehicle & Mobile Workforce Management

**Please sign in**

User ID

Password

Remember me

[Forgot your password?](#)

**New From Reltima**  
**DRIVER DISPATCH**  
 Two-way Messaging Real-time Job Assignment Navigation

**Main Menu** **Driver Messages** **Dispatched Jobs**

**Coming Soon From Reltima**  
 Real-time temperature monitoring.  
 The tools you need to protect your valuable cargo at a price you can afford.

**Straight Box Trucks** **Trailers**

Contact your Reltima dealer today to find out more.

**Helpful Tips**

- F11 maximizes the screen.
- You can select your default view and startup fleet in the my profile section.
- Use autoupdate to keep your map and data refreshed.
- Use the manage section to add users, create fleets, edit vehicles, set maintenance schedules, configure sensors and manage your locations.
- When you create a location, the location name is used in reports and that location can also be setup with alerts as vehicles enter or exit.
- Use the data filters to quickly scan data by status, state or city.
- Look for the What's New icon to learn about new features.

<http://www.perigeegps.com/>.

66. As part of its Perigee web application, Reltima provides users with configurable alert functionality, including alerts on “Enter Location” and “Exit Location” events.

[http://www.reltima.com/perigeefeat\\_alerts.html](http://www.reltima.com/perigeefeat_alerts.html). This is commonly recognized as geofence or zone functionality. Reltima can send these alerts “via text message to your mobile phone or by email.” [http://www.reltima.com/perigeefeat\\_alerts.html](http://www.reltima.com/perigeefeat_alerts.html).

67. Reltima allows customers to manage the security of their fleets through the server-based system. As shown above, Reltima secures access to the Perigee system with individual user log-ins and passwords.

68. Reltima provides customers a means for analyzing groups of assets. For example, it provides reports on a broad array of asset information. These include “Activity Report[s],” “Fleet Summary Report[s],” “Miles by State Report[s],” “Fleet Status Report[s],” “Idle Report[s],” “Speed Report[s],” “Begin/End Day Report[s],” “Location Report[s],” “Start/Stop Detail Report[s],” “Alerts Report[s],” and “Maintenance Summary Report[s].” [http://www.reltima.com/report\\_activity.html](http://www.reltima.com/report_activity.html).

69. Reltima provides a solution where an asset being tracked is tracked separately and in addition to the vehicle being tracked: “[Reltima’s] partnership with SignalTrac has enabled our clients who track both tractors and trailers to do so in the same application.”

[http://www.reltima.com/solutions\\_tracking.html](http://www.reltima.com/solutions_tracking.html).

#### *GPS NA Accused Products*

70. Prior to the acquisition and subsequent combination of GPS NA and Reltima, upon information and belief, GPS NA offered products independently that are substantially similar to the Reltima Accused Products (“GPS NA Accused Products”).

**Jurisdiction and Venue**

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

72. Defendants maintain continuous and systematic contacts within this District by selling and offering for sale products and services to customers within this District, and by offering for sale products and services that are used within this District.

73. This Court has specific personal jurisdiction over Defendants pursuant to due process and the Texas Long Arm Statute because Defendants, directly or through intermediaries, have conducted and conduct substantial business in this forum, including but not limited to: (i) engaging in at least part of the infringing acts alleged herein; (ii) purposefully and voluntarily placing one or more infringing products or services into the stream of commerce with the expectation that they will be purchased and/or used by consumers in this forum; and/or (iii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in Texas and in this District. Venue is proper in this Court under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) for the reasons set forth above.

**The Patents-In-Suit**

74. The '113 patent, entitled "Apparatus and Method for Conveying Location Event Information Based on Access Codes," was duly and legally issued by the United States Patent and Trademark Office on April 3, 2012. A copy of the '113 patent is attached hereto as Exhibit A.

75. The '012 patent, entitled "System and Method for Conveying Object Location Information," was duly and legally issued by the United States Patent and Trademark Office on July 17, 2012. A copy of the '012 patent is attached hereto as Exhibit B.

76. The '499 patent, entitled "System and Method for Conveying Event Information Based on Varying Levels of Administrative Privilege Under Multiple Levels of Access Controls" was duly and legally issued by the United States Patent and Trademark Office on April 7, 2015. A copy of the '499 patent is attached hereto as Exhibit C.

77. The '931 patent, entitled "Location Tracking System with Interfaces for Setting Group Zones, Events and Alerts Based on Multiple Levels of Administrative Privileges" was duly and legally issued by the United States Patent and Trademark Office on June 30, 2015. A copy of the '931 patent is attached hereto as Exhibit D.

78. The '033 patent, entitled "System for Sharing Information about Groups of Individuals, Drivers, Vehicles or Objects" was duly and legally issued by the United States Patent and Trademark Office on August 25, 2015. A copy of the '033 patent is attached hereto as Exhibit E.

79. The '471 patent, entitled "Object Location Tracking System Based on Relative Coordinate Systems Using Proximity Location Information Sources" was duly and legally issued by the United States Patent and Trademark Office on April 19, 2016. A copy of the '471 patent is attached hereto as Exhibit F.

80. The '314 patent, entitled "Multi-Level Privilege Notification System Operated Based on Indoor Location Information Received from a Location Information Source[]" was duly and legally issued by the United States Patent and Trademark Office on November 1, 2016. A copy of the '314 patent is attached hereto as Exhibit G.

81. On November 2, 2016, Judge Gilstrap issued an Order Adopting Report and Recommendation filed by Magistrate Judge Payne recommending denial of a Motion to Dismiss the '012 patent, the '499 patent and the '931 patent for lack of standing. *PerdiemCo LLC v. Industrack LLC et al.*, No. 2:15-cv-727-JRG-RSP (Nov. 2, 2016) at Dkt. 279.

82. In denying the Motion to Dismiss, the Court found that “PerDiem owns the patents-in-suit and has standing to sue.” *Id.* at Dkt. 253, p. 17.

83. PerDiem is the exclusive owner of all rights, title, and interest in the patents-in-suit. PerDiem has the right to bring this suit to recover damages for any current or past infringement of these patents.

84. The family of the patents-in-suit has been cited in other patents owned by many companies in a variety of industries, including at least Honeywell, Bank of America, Fatdoor, EMC Corporation, General Motors, Blackbird Technology, and Allure Energy.

#### **Notice of the Patents**

85. Defendants have notice of all of the patents-in-suit. On July 2, 2015, PerDiem sued GPS NA for infringement of the '012, '499, and '931 patents. *PerdiemCo LLC v. GPS Logic, LLC et al.*, Case No. 2:15-cv-01216 (2015).

86. On May 19, 2016, GPS NA filed an *Inter Partes* Review of the '012, and '499 patents, identifying Defendant Telular Corporation as a real party in interest.

87. On July 1, 2016, GPS NA filed an *Inter Partes* Review of the '931 patent, identifying Defendant Telular Corporation as a real party in interest.

88. Defendants became aware of the patents-in-suit during the pendency of the actions identified in Paragraphs 85-87.

89. Through their corporate relationships, all Defendants have knowledge of the patents-in-suit.

90. Defendants have had knowledge of the '033, '471, and '314 patents at least since the date each of those patents issued.

91. In addition, Defendants have knowledge of the patents-in-suit as of the date this Complaint was served.

**Count I – Infringement of the '113 Patent**

92. Paragraphs 1 through 91 are incorporated by reference as if fully stated herein.

93. The '113 patent is valid and enforceable.

94. Defendants have directly infringed and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '113 patent, including but not limited to claim 1, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, products and/or services encompassed by those claims, including for example, by making, using, selling, offering for sale, and/or importing the Accused Products and the GPS NA Accused Products.

95. Third parties, including Defendants' customers, have directly infringed, and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '113 patent, including but not limited to claim 1, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, the Accused Products and the GPS NA Accused Products.

96. The Accused Products and the GPS NA Accused products are described in Paragraphs 23-70.

97. The Accused Products and the GPS NA Accused Products performed and continue to perform methods for conveying information relating to objects among a plurality of users of a plurality of computing devices associated with user identification codes, including a first user identification code and a second user identification code and a third user identification code.

98. The Accused Products and the GPS NA Accused Products received and continue to receive zone information from a computing device associated with the first user identification code, the zone information relating to a zone having at least one coordinate within a coordinate system.

99. The Accused Products and the GPS NA Accused Products associated and continue to associate an object location event information with the zone information, the object location event information being defined in terms of a condition based upon a relationship between the zone and a location of a moving object associated with the second user identification code, the second identification code being different from the first user identification code, each location of the object having corresponding object location information.

100. The Accused Products and the GPS NA Accused Products associated and continue to associate an access code with at least one of the object location information, the zone information, or the object location event information, wherein the access code is based on the third user identification code, and wherein the third user identification code is different from the first and second user identification codes.

101. The Accused Products and the GPS NA Accused Products conveyed and continue to convey at least one of the object location information, the zone information, or the object



location event information to a computing device associated with the third user identification code based on said information access code.

102. Defendants have knowledge and notice of the '113 patent and its infringement as outlined above in the section entitled "Notice of the Patents."

103. Defendants have induced infringement, and continue to induce infringement under 35 U.S.C. § 271(b), of one or more claims of the '113 patent, including claim 1. Defendants actively, knowingly, and intentionally induce, and continue to actively, knowingly, and intentionally induce, infringement of the '113 patent by selling or otherwise supplying the Accused Products and the GPS NA Accused Products with the knowledge and intent that third parties will use, sell, and/or offer for sale in the United States, and/or import into the United States the Accused Products and the GPS NA Accused Products for their intended purpose to infringe the '113 patent; and with the knowledge and intent to encourage and facilitate the infringement through the dissemination of the Accused Products and the GPS NA Accused Products and/or the creation and dissemination of documentation and technical information related to the Accused Products and the GPS NA Accused Products.

104. Defendants have contributed and continue to contribute to the infringement by third parties, including their customers. Defendants continue to contribute to infringement by third parties, including their customers, of one or more claims of the '113 patent, including at least claim 1, under 35 U.S.C. § 271(c), by selling and/or offering for sale in the United States and/or importing into the United States the Accused Products and the GPS NA Accused Products knowing that those products constitute a material part of the inventions of the '113 patent, knowing that those products are especially made or adapted to infringe the '113 patent, and

knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

105. PerDiem has been and continues to be damaged by Defendants' infringement of the '113 patent.

106. Since having knowledge of the '113 patent, Defendants knew or should have known that, without taking a license to the patents-in-suit, its actions continue to infringe one or more claims of the '113 patent. Therefore, Defendants have willfully infringed and continue to do so.

107. The conduct by Defendants in infringing the '113 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

### **Count II – Infringement of the '012 Patent**

108. Paragraphs 1 through 107 are incorporated by reference as if fully stated herein.

109. The '012 patent is valid and enforceable.

110. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have directly infringed and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '012 patent, including but not limited to claim 18, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, products and/or services encompassed by those claims, including for example, by making, using, selling, offering for sale, and/or importing the Accused Products.

111. Third parties, including Telular, SkyBitz, TankLink, SmartLogix, and Reltima's customers, have directly infringed, and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '012 patent, including but not limited to claim 18, either literally

and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, the Accused Products.

112. The Accused Products are described in Paragraphs 23-69.

113. The Accused Products performed and continue to perform methods for conveying information among a plurality of computing devices associated with a plurality of users including a first user, a second user, and a third user.

114. The Accused Products provided and continue to provide an interface to a first computing device associated with the first user to define a relationship of an information package with at least one of a zone information, an object location information, or an object location event information and to define an information package access code.

115. The Accused Products conveyed and continue to convey the information package to a second computing device associated with one of the second user or the third user based on said information package access code.

116. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have knowledge and notice of the '012 patent and its infringement as outlined above in the section entitled "Notice of the Patents."

117. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have induced infringement, and continue to induce infringement under 35 U.S.C. § 271(b), of one or more claims of the '012 patent, including claim 18. Telular, SkyBitz, TankLink, SmartLogix, and Reltima actively, knowingly, and intentionally induce, and continue to actively, knowingly, and intentionally induce, infringement of the '012 patent by selling or otherwise supplying the Accused Products with the knowledge and intent that third parties will use, sell, and/or offer for sale in the United States, and/or import into the United States the Accused Products for their intended purpose to

infringe the '012 patent; and with the knowledge and intent to encourage and facilitate the infringement through the dissemination of the Accused Products and/or the creation and dissemination of documentation and technical information related to the Accused Products.

118. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have contributed and continue to contribute to the infringement by third parties, including their customers. Telular, SkyBitz, TankLink, SmartLogix, and Reltima continue to contribute to infringement by third parties, including their customers, of one or more claims of the '012 patent, including at least claim 18, under 35 U.S.C. § 271(c), by selling and/or offering for sale in the United States and/or importing into the United States the Accused Products knowing that those products constitute a material part of the inventions of the '012 patent, knowing that those products are especially made or adapted to infringe the '012 patent, and knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

119. PerDiem has been and continues to be damaged by Telular, SkyBitz, TankLink, SmartLogix, and Reltima's infringement of the '012 patent.

120. Since having knowledge of the '012 patent, Telular, SkyBitz, TankLink, SmartLogix, and Reltima knew or should have known that, without taking a license to the patents-in-suit, its actions continue to infringe one or more claims of the '012 patent. Therefore, Telular, SkyBitz, TankLink, SmartLogix, and Reltima have willfully infringed and continue to do so.

121. The conduct by Telular, SkyBitz, TankLink, SmartLogix, and Reltima in infringing the '012 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

### **Count III – Infringement of the '499 Patent**

122. Paragraphs 1 through 121 are incorporated by reference as if fully stated herein.

123. The '499 patent is valid and enforceable.

124. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have directly infringed and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '499 patent, including but not limited to claim 1, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, products and/or services encompassed by those claims, including for example, by making, using, selling, offering for sale, and/or importing the Accused Products.

125. Third parties, including Telular, SkyBitz, TankLink, SmartLogix, and Reltima's customers, have directly infringed, and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '499 patent, including but not limited to claim 1, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, the Accused Products.

126. The Accused Products are described in Paragraphs 23-69.

127. The Accused Products were and continue to be a system for conveying a plurality of event information associated with a corresponding plurality of events that occur based on satisfactions of a corresponding plurality of specified event conditions related to locations of a corresponding plurality of mobile objects having a corresponding plurality of mobile object identification codes, wherein each mobile object is associated with at least one location information source that provides a corresponding location information over a wireless network.

128. The Accused Products comprised and continue to comprise one or more computer servers configured to create a plurality of information-sharing environments, said plurality of information-sharing environments providing user interfaces for a plurality of authorized users over a network of computing devices, said plurality of authorized users being associated with a

corresponding plurality of authorized user identification codes, wherein said plurality of information-sharing environments are configurable based on varying levels of administrator privileges, said varying levels of administrator privilege comprising a first level of administrator privilege associated with a network administrator and a second level of administrator privileges associated with said plurality of authorized users, said first level of administrator privilege being used in a first information-sharing environment to allow for configuring a plurality of event information-sharing environments within said first information-sharing environment independent of one another, wherein said plurality of event information-sharing environments are configurable based on said second levels of administrator privileges for specifying the plurality of specified event conditions.

129. The Accused Products comprised and continue to comprise one or more access control systems that are configured to communicate with said one or more computer servers to control access to the plurality of information sharing environments, wherein access control to the plurality of information sharing environments is based on access control codes requiring multiple levels of access control comprising a first level of access control and a second level of access control, wherein access to said first information sharing environment is controlled under the first level of access control based on access control codes associated with the plurality of authorized user identification codes, wherein access to said event information sharing environments is controlled under the second level of access control to access the plurality of specified event conditions independent of each other based on a corresponding plurality of event information access codes that are associated with the plurality of authorized user identification codes.

130. The Accused Products comprised and continue to comprise an administrator system in communication with said one or more computer servers adapted to configure a

corresponding plurality of access privileges for the plurality of authorized users that specify the specified event conditions based on the plurality of event information access codes, wherein conveyance of the plurality of event information is managed based on the plurality of access privileges.

131. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have knowledge and notice of the '499 patent and its infringement as outlined above in the section entitled "Notice of the Patents."

132. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have induced infringement, and continue to induce infringement under 35 U.S.C. § 271(b), of one or more claims of the '499 patent, including claim 1. Telular, SkyBitz, TankLink, SmartLogix, and Reltima actively, knowingly, and intentionally induce, and continue to actively, knowingly, and intentionally induce, infringement of the '499 patent by selling or otherwise supplying the Accused Products with the knowledge and intent that third parties will use, sell, and/or offer for sale in the United States, and/or import into the United States the Accused Products for their intended purpose to infringe the '499 patent; and with the knowledge and intent to encourage and facilitate the infringement through the dissemination of the Accused Products and/or the creation and dissemination of documentation and technical information related to the Accused Products.

133. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have contributed and continue to contribute to the infringement by third parties, including their customers. Telular, SkyBitz, TankLink, SmartLogix, and Reltima continue to contribute to infringement by third parties, including their customers, of one or more claims of the '499 patent, including at least claim 1, under 35 U.S.C. § 271(c), by selling and/or offering for sale in the United States and/or importing into the United States the Accused Products knowing that those products constitute a

material part of the inventions of the '499 patent, knowing that those products are especially made or adapted to infringe the '499 patent, and knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

134. PerDiem has been and continues to be damaged by Telular, SkyBitz, TankLink, SmartLogix, and Reltima's infringement of the '499 patent.

135. Since having knowledge of the '499 patent, Telular, SkyBitz, TankLink, SmartLogix, and Reltima knew or should have known that, without taking a license to the patents-in-suit, its actions continue to infringe one or more claims of the '499 patent. Therefore, Telular, SkyBitz, TankLink, SmartLogix, and Reltima have willfully infringed and continue to do so.

136. The conduct by Telular, SkyBitz, TankLink, SmartLogix, and Reltima in infringing the '499 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

#### **Count IV – Infringement of the '931 Patent**

137. Paragraphs 1 through 136 are incorporated by reference as if fully stated herein.

138. The '931 patent is valid and enforceable.

139. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have directly infringed and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '931 patent, including but not limited to claim 1, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, products and/or services encompassed by those claims, including for example, by making, using, selling, offering for sale, and/or importing the Accused Products.

140. Third parties, including Telular, SkyBitz, TankLink, SmartLogix, and Reltima's customers, have directly infringed, and continue to directly infringe under 35 U.S.C. § 271(a),



one or more claims of the '931 patent, including but not limited to claim 1, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, the Accused Products.

141. The Accused Products are described in Paragraphs 23-69.

142. The Accused Products were and continue to be location tracking systems.

143. The Accused Products comprise and continue to comprise one or more servers capable of communicating with a plurality of mobile devices, each mobile device is associated with an identification (ID) and at least one location information source that provides location information for the mobile device.

144. The Accused Products comprise and continue to comprise one or more servers.

145. The one or more servers were and are configured to define first level administrative privileges to protect privacy of a group of multiple mobile devices.

146. The one or more servers were and are configured to define second level administrative privileges to control conveyance of information regarding the group.

147. The one or more servers were and are configured to check the first level administrative privileges before adding a mobile device to the group.

148. The one or more servers were and are configured to provide one or more interfaces for setting a zone, an event, and an alert for the group.

149. The one or more servers were and are configured to receive a request to set a zone for the group, the zone having a boundary that is independent of where the group's mobile devices are located.

150. The one or more servers were and are configured to receive a request to set an event for the group.

151. The one or more servers were and are configured to receive a request to set an alert for the group, the request identifying a recipient of the alert.

152. The one or more servers were and are configured to check the second level administrative privileges before setting a zone, an event, or an alert for the group.

153. The one or more servers were and are configured to store the group's zone, event and alert in one or more databases.

154. The one or more servers were and are configured to receive IDs and location information for the multiple mobile devices in the group.

155. The one or more servers were and are configured to compare the IDs and location information with the group's zone and event to determine whether to send the group's alert.

156. The one or more servers were and are configured to cause the group's alert to be sent.

157. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have knowledge and notice of the '931 patent and its infringement as outlined above in the section entitled "Notice of the Patents."

158. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have induced infringement, and continue to induce infringement under 35 U.S.C. § 271(b), of one or more claims of the '931 patent, including claim 1. Telular, SkyBitz, TankLink, SmartLogix, and Reltima actively, knowingly, and intentionally induce, and continue to actively, knowingly, and intentionally induce, infringement of the '931 patent by selling or otherwise supplying the Accused Products with the knowledge and intent that third parties will use, sell, and/or offer for sale in the United States, and/or import into the United States the Accused Products for their intended purpose to infringe the '931 patent; and with the knowledge and intent to encourage and facilitate the

infringement through the dissemination of the Accused Products and/or the creation and dissemination of documentation and technical information related to the Accused Products.

159. Telular, SkyBitz, TankLink, SmartLogix, and Reltima have contributed and continue to contribute to the infringement by third parties, including their customers. Telular, SkyBitz, TankLink, SmartLogix, and Reltima continue to contribute to infringement by third parties, including their customers, of one or more claims of the '931 patent, including at least claim 1, under 35 U.S.C. § 271(c), by selling and/or offering for sale in the United States and/or importing into the United States the Accused Products knowing that those products constitute a material part of the inventions of the '931 patent, knowing that those products are especially made or adapted to infringe the '931 patent, and knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

160. PerDiem has been and continues to be damaged by Telular, SkyBitz, TankLink, SmartLogix, and Reltima's infringement of the '931 patent.

161. Since having knowledge of the '931 patent, Telular, SkyBitz, TankLink, SmartLogix, and Reltima knew or should have known that, without taking a license to the patents-in-suit, its actions continue to infringe one or more claims of the '931 patent. Therefore, Telular, SkyBitz, TankLink, SmartLogix, and Reltima have willfully infringed and continue to do so.

162. The conduct by Telular, SkyBitz, TankLink, SmartLogix, and Reltima in infringing the '931 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

#### **Count V – Infringement of the '033 Patent**

163. Paragraphs 1 through 162 are incorporated by reference as if fully stated herein.

164. The '033 patent is valid and enforceable.

165. Defendants have directly infringed and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '033 patent, including but not limited to claim 11, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, products and/or services encompassed by those claims, including for example, by making, using, selling, offering for sale, and/or importing the Accused Products and the GPS NA Accused Products.

166. Third parties, including Defendants' customers, have directly infringed, and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '033 patent, including but not limited to claim 11, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, the Accused Products and the GPS NA Accused Products.

167. The Accused Products and the GPS NA Accused products are described in Paragraphs 23-70.

168. The Accused Products and the GPS NA Accused Products were and continue to be systems for sharing information about groups of objects.

169. The Accused Products and the GPS NA Accused Products comprised and continue to comprise one or more servers capable of communicating with a plurality of mobile devices, each mobile device is associated with at least one location information source that provides location information for the mobile device.

170. The one or more servers were and are configured to store information for a plurality of groups of mobile devices.

171. The information comprised and comprises a first group of mobile devices associated with a first group of objects.

172. The information comprised and comprises a second group of mobile devices associated with a second group of objects.

173. The information comprised and comprises a third group of mobile devices associated with a group of individuals interested in locating an object, wherein the information includes a phone number for each mobile device in each group.

174. The one or more servers were and are configured to provide one or more interfaces for selecting one of the first group or second group of objects.

175. The one or more servers were and are configured to receive requests to add an object to a selected group of objects or to add a mobile device to a selected group of mobile devices.

176. The one or more servers were and are configured to check the requests before adding the object to the selected group of objects or before adding the mobile device to the selected group of mobile devices.

177. The one or more servers were and are configured to provide one or more interfaces for an individual to obtain information about location of an object in one of the first group or second group of objects on a mobile device in the third group of mobile devices, said mobile device having a mobile phone number.

178. The one or more servers were and are configured to provide one or more interfaces that provide a map showing the location of the object and allow the individual to set a location event.

179. The one or more servers were and are configured to receive object location information.

180. The one or more servers were and are configured to determine whether the location event occurred based on the object location information.

181. The one or more servers were and are configured to cause a message to be sent to the mobile device phone number if the location event occurs.

182. Defendants have knowledge and notice of the '033 patent and its infringement as outlined above in the section entitled "Notice of the Patents."

183. Defendants have induced infringement, and continue to induce infringement under 35 U.S.C. § 271(b), of one or more claims of the '033 patent, including claim 11. Defendants actively, knowingly, and intentionally induce, and continue to actively, knowingly, and intentionally induce, infringement of the '033 patent by selling or otherwise supplying the Accused Products and the GPS NA Accused Products with the knowledge and intent that third parties will use, sell, and/or offer for sale in the United States, and/or import into the United States the Accused Products and the GPS NA Accused Products for their intended purpose to infringe the '033 patent; and with the knowledge and intent to encourage and facilitate the infringement through the dissemination of the Accused Products and the GPS NA Accused Products and/or the creation and dissemination of documentation and technical information related to the Accused Products and the GPS NA Accused Products.

184. Defendants have contributed and continue to contribute to the infringement by third parties, including their customers. Defendants continue to contribute to infringement by third parties, including their customers, of one or more claims of the '033 patent, including at least claim 11, under 35 U.S.C. § 271(c), by selling and/or offering for sale in the United States and/or importing into the United States the Accused Products and the GPS NA Accused Products knowing that those products constitute a material part of the inventions of the '033 patent,

knowing that those products are especially made or adapted to infringe the '033 patent, and knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

185. PerDiem has been and continues to be damaged by Defendants' infringement of the '033 patent.

186. Since having knowledge of the '033 patent, Defendants knew or should have known that, without taking a license to the patents-in-suit, its actions continue to infringe one or more claims of the '033 patent. Therefore, Defendants have willfully infringed and continue to do so.

187. The conduct by Defendants in infringing the '033 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

#### **Count VI – Infringement of the '471 Patent**

188. Paragraphs 1 through 187 are incorporated by reference as if fully stated herein.

189. The '471 patent is valid and enforceable.

190. Defendants have directly infringed and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '471 patent, including but not limited to claim 1, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, products and/or services encompassed by those claims, including for example, by making, using, selling, offering for sale, and/or importing the Accused Products and the GPS NA Accused Products.

191. Third parties, including Defendants' customers, have directly infringed, and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '471 patent, including but not limited to claim 1, either literally and/or under the doctrine of equivalents, by

making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, the Accused Products and the GPS NA Accused Products.

192. The Accused Products and the GPS NA Accused products are described in Paragraphs 23-70.

193. The Accused Products and the GPS NA Accused Products were and continue to be tracking systems.

194. The Accused Products and GPS NA Accused Products comprised and continue to comprise one or more servers capable of communicating object location information to a group comprising a plurality of users having user IDs, said group having a group ID, said group being one of a plurality of groups each having corresponding group IDs and user IDs, said object location information relating to a plurality of mobile objects having object IDs, wherein a first object ID of a first mobile object of said plurality of mobile objects is associated with a first location information source that provides a first location information corresponding to first coordinates of said first mobile object within a first coordinate system, and wherein a second object ID of a second mobile object of said plurality of mobile objects is associated with a second location information source that provides a second location information corresponding to second coordinates of said second mobile object within a second coordinate system, said second coordinates being relative to said first coordinates based on proximity of the first mobile object to the second mobile object.

195. The one or more servers were and are configured to define first level administrative privileges to control user membership in said group.

196. The one or more servers were and are configured to define second level administrative privileges to control conveyance of said object location information to said group.



197. The one or more servers were and are configured to check the first level administrative privileges before associating a user ID with a group ID of said group.

198. The one or more servers were and are configured to check the second level administrative privileges before associating said first object ID and said second object ID with said group ID of said group

199. The one or more servers were and are configured to provide one or more interfaces for setting at least one of a zone, an event, or an alert; and were and are configured to receive a request to set a zone.

200. The one or more servers were and are configured to receive a request to set an event based upon said zone and said object location information; and were and are configured to receive a request to set an alert based upon said event, said alert being associated with an access privilege, said request identifying said group as being the recipient of said alert.

201. The one or more servers were and are configured to check the second level administrative privileges before setting said zone, said event, and said alert.

202. The one or more servers were and are configured to store said zone, said event and said alert in one or more databases.

203. The one or more servers were and are configured to receive object IDs and object location information.

204. The one or more servers were and are configured to compare said object IDs and said object location information with said zone and said event to determine whether to send said alert to said group.

205. The one or more servers were and are configured to cause the alert to be sent to said group based on said access privilege.

206. Defendants have knowledge and notice of the '471 patent and its infringement as outlined above in the section entitled "Notice of the Patents."

207. Defendants have induced infringement, and continue to induce infringement under 35 U.S.C. § 271(b), of one or more claims of the '471 patent, including claim 1. Defendants actively, knowingly, and intentionally induce, and continue to actively, knowingly, and intentionally induce, infringement of the '471 patent by selling or otherwise supplying the Accused Products and the GPS NA Accused Products with the knowledge and intent that third parties will use, sell, and/or offer for sale in the United States, and/or import into the United States the Accused Products and the GPS NA Accused Products for their intended purpose to infringe the '471 patent; and with the knowledge and intent to encourage and facilitate the infringement through the dissemination of the Accused Products and the GPS NA Accused Products and/or the creation and dissemination of documentation and technical information related to the Accused Products and the GPS NA Accused Products.

208. Defendants have contributed and continue to contribute to the infringement by third parties, including their customers. Defendants continue to contribute to infringement by third parties, including their customers, of one or more claims of the '471 patent, including at least claim 1, under 35 U.S.C. § 271(c), by selling and/or offering for sale in the United States and/or importing into the United States the Accused Products and the GPS NA Accused Products knowing that those products constitute a material part of the inventions of the '471 patent, knowing that those products are especially made or adapted to infringe the '471 patent, and knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

209. PerDiem has been and continues to be damaged by Defendants' infringement of the '471 patent.

210. Since having knowledge of the '471 patent, Defendants knew or should have known that, without taking a license to the patents-in-suit, its actions continue to infringe one or more claims of the '471 patent. Therefore, Defendants have willfully infringed and continue to do so.

211. The conduct by Defendants in infringing the '471 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

### **Count VII – Infringement of the '314 Patent**

212. Paragraphs 1 through 211 are incorporated by reference as if fully stated herein.

213. The '314 patent is valid and enforceable.

214. Defendants have directly infringed and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '314 patent, including but not limited to claim 1, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, products and/or services encompassed by those claims, including for example, by making, using, selling, offering for sale, and/or importing the Accused Products and the GPS NA Accused Products.

215. Third parties, including Defendants' customers, have directly infringed, and continue to directly infringe under 35 U.S.C. § 271(a), one or more claims of the '314 patent, including but not limited to claim 1, either literally and/or under the doctrine of equivalents, by making, using, selling, and/or offering for sale in the United States, and/or importing into the United States, the Accused Products and the GPS NA Accused Products.

216. The Accused Products and the GPS NA Accused products are described in Paragraphs 23-70.

217. The Accused Products and the GPS NA Accused Products performed and continue to perform a method for conveying location information relating to a plurality of mobile objects among a plurality of user groups comprising different users of a plurality of computing devices other than mobile objects, said users comprising an administrator, an authorized user different from the administrator, and a second user different from the authorized user, wherein the administrator specifies a user group associated with an authorized user ID and an object ID different from the authorized user ID, the method comprising the following steps executed in one or more servers.

218. The one or more servers were and are configured to associate a second user ID different from the authorized user ID with the user group based on the authorized user ID.

219. The one or more servers were and are configured to receive a zone information after a user group is specified, said zone information containing information about at least one coordinate of a zone.

220. The one or more servers were and are configured to receive an event information about an event related to the zone and a location of a mobile object that is independent of the zone.

221. The one or more servers were and are configured to provide one or more interfaces for setting a group notification for the user group including specifying the second user associated with the second user ID as the recipient of the group notification.

222. The one or more servers were and are configured to receive at least one location information of the mobile object associated with the object ID.

223. The one or more servers were and are configured to determine occurrence of the event based on the zone and the at least one location information.

224. The one or more servers were and are configured to cause the group notification to be sent to the second user when the event occurs.

225. The one or more servers were and are configured to define a first level administrative privilege to control user membership in the user group.

226. The one or more servers were and are configured to define a second level administrative privileges to control conveyance of said object location information to the user group based on the first level administrative privilege.

227. The one or more servers were and are configured to check the first level administrative privileges before adding the authorized user to the user group.

228. The one or more servers were and are configured to check the second level administrative privilege before providing one or more interfaces for setting the group notification and adding the second user to the user group.

229. The one or more servers were and are configured to determine occurrence of the event based on the second level administrative privilege.

230. Defendants have knowledge and notice of the '314 patent and its infringement as outlined above in the section entitled "Notice of the Patents."

231. Defendants have induced infringement, and continue to induce infringement under 35 U.S.C. § 271(b), of one or more claims of the '314 patent, including claim 1. Defendants actively, knowingly, and intentionally induce, and continue to actively, knowingly, and intentionally induce, infringement of the '314 patent by selling or otherwise supplying the Accused Products and the GPS NA Accused Products with the knowledge and intent that third

parties will use, sell, and/or offer for sale in the United States, and/or import into the United States the Accused Products and the GPS NA Accused Products for their intended purpose to infringe the '314 patent; and with the knowledge and intent to encourage and facilitate the infringement through the dissemination of the Accused Products and the GPS NA Accused Products and/or the creation and dissemination of documentation and technical information related to the Accused Products and the GPS NA Accused Products.

232. Defendants have contributed and continue to contribute to the infringement by third parties, including their customers. Defendants continue to contribute to infringement by third parties, including their customers, of one or more claims of the '314 patent, including at least claim 1, under 35 U.S.C. § 271(c), by selling and/or offering for sale in the United States and/or importing into the United States the Accused Products and the GPS NA Accused Products knowing that those products constitute a material part of the inventions of the '314 patent, knowing that those products are especially made or adapted to infringe the '314 patent, and knowing that those products are not staple articles of commerce suitable for substantial noninfringing use.

233. PerDiem has been and continues to be damaged by Defendants' infringement of the '314 patent.

234. Since having knowledge of the '314 patent, Defendants knew or should have known that, without taking a license to the patents-in-suit, its actions continue to infringe one or more claims of the '314 patent. Therefore, Defendants have willfully infringed and continue to do so.

235. The conduct by Defendants in infringing the '314 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

**Prayer for Relief**

WHEREFORE, PerDiem prays for judgment as follows:

- A. That Defendants have infringed the patents-in-suit;
- B. That PerDiem be awarded all damages adequate to compensate it for Defendants' infringement of the patents-in-suit, such damages to be determined by a jury with pre-judgment and post-judgment interest;
- C. A judgment that the infringement was willful and that such damages be trebled;
- D. An order permanently enjoining Defendants and their officers, agents, servants and employees, privies, and all persons in concert or participation with it, from further infringement of the patents-in-suit;
- E. That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that PerDiem be awarded attorney fees, costs, and expenses incurred in connection with this action; and
- F. That PerDiem be awarded such other and further relief as this Court deems just and proper.

**Demand for Jury Trial**

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

DATED: December 13, 2016

*/s/ J. Mark Mann*

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