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

911 NOTIFY, INC.,
 	
           Plaintiff,
 	
     v.
 	
SWIFTREACH NETWORKS, INC.;
SWIFTREACH 800 SERVICES, LLC;
SWIFTREACH ENS SERVICES, LLC; and
SWIFTREACH WHOLESALE SERVICES,
LLC,
 	
           Defendants.
	C.A. No. 2:17-cv-00074
	
	JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement arising under the Patent Laws of the United

States of America, 35 U.S.C. § 1 *et seq.* in which Plaintiff 911 Notify, Inc. ("911 Notify") makes

the following allegations against Swiftreach Networks, Inc.; Swiftreach 800 Services, LLC;

Swiftreach Ens Services, LLC; and Swiftreach Wholesale Services, LLC (collectively,

"Swiftreach" or "Defendants"):

PARTIES

1.   911 Notify, Inc. is a Texas corporation with a principal place of business at 8105

Rasor Blvd, Suite 68, Plano, TX 75024.

2.   On information and belief, Swiftreach Networks, Inc.; Swiftreach 800 Services,

LLC; Swiftreach Ens Services, LLC; and Swiftreach Wholesale Services, LLC are New Jersey

corporations with a principal place of business at 14 Industrial Avenue Suite 4, Mahwah, NJ

07430. Swiftreach can be served through its registered agent, Corporation Service Company, at 211 E. 7th Street Suite 620, Austin, TX 78701.

JURISDICTION AND VENUE

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

4.   This Court has personal jurisdiction over Defendants in this action because, among other reasons, Defendants have committed acts within this District giving rise to this action and have established minimum contacts with the forum state of Texas. For example, there are indications that Swiftreach has reached out to and/or conducted business with local governments of Texas.[1] Defendants directly and/or through subsidiaries or intermediaries (including distributors, retailers, and others), have committed and continue to commit acts of infringement in this District by, among other things, making, using, importing, offering for sale, and/or selling products and/or services that infringe the patents-in-suit. Defendants are registered to do business in the State of Texas, and have appointed Corporation Service Company at 211 E. 7th Street Suite 620, Austin, TX 78701, as their agent for service of process. Thus, Defendants purposefully availed themselves of the benefits of doing business in the State of Texas, and the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

5.   Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) because, among other reasons, Defendants are subject to personal jurisdiction in this District, and

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[1] *See, e.g.*, http://swift911.swiftreach.com/public/200317/;
http://www.galvestontx.gov/AgendaCenter/ViewFile/Item/1886?fileID=6130; and
http://www.galvestontx.gov/AgendaCenter/ViewFile/Item/1886?fileID=6131.

have committed and continue to commit acts of patent infringement in this District. On

information and belief, for example, Defendants have used, sold, offered for sale, and imported

infringing products in this District.

BACKGROUND

6.   Inventors Don Reich and Kurt Warner have over twenty years of experience in

the field of emergency systems, and are named inventors on over a dozen patents covering

emergency, cellular, and medical systems, including U.S. Patent Nos. 6,151,385; 6,775,356; and

8,396,447 (collectively, "asserted patents" or "patents-in-suit").

ASSERTED PATENTS

7.   911 Notify is the owner by assignment of U.S. Patent No. 6,151,385 (the '385

'Patent"). The '385 Patent is entitled "System for the Automatic Notification That a 9-1-1 Call

Has Occurred." The '385 Patent issued on November 21, 2000. A true and correct copy of the

'385 Patent is attached hereto as Exhibit A.

8.   911 Notify is the owner by assignment of U.S. Patent No. 6,775,356 (the '356

'Patent"). The '356 Patent is entitled "Real-time Incident and Response Information Messaging

in a System for the Automatic Notification That an Emergency Call Has Occurred from a

Telecommunication Device." The '356 Patent issued on August 10, 2004. A true and correct

copy of the '356 Patent is attached hereto as Exhibit B.

9.   911 Notify is the owner by assignment of U.S. Patent No. 8,396,447 (the '447

'Patent"). The '447 Patent is entitled "Emergency Call Notification System and Method." The

'447 Patent issued on March 12, 2013. A true and correct copy of the '447 Patent is attached

hereto as Exhibit C.

<u>COUNT I</u>
(Infringement of U.S. Patent No. 6,151,385)

10.   Plaintiff re-alleges and incorporates by reference the allegations in the foregoing

paragraphs as if fully set forth herein.

11.   On information and belief, Defendants make, use, offer for sale and/or sell in the

United States the Accused Instrumentalities that infringe, literally or under the doctrine of

equivalents, various claims of the '385 Patent, and continue to do so. These products and/or

services include without limitation, for example, Swiftreach's emergency notification solutions,

including without limitation the Swift911[2], SLIM[3], and SwiftAPI[4] product lines. The exemplary

infringing products shall be referred to hereinafter as the "Accused Instrumentalities."

12.   On information and belief, the Accused Instrumentalities perform a telephone

service method within a telephone system which provides notification to identified parties that a

call to an emergency service has been made from a subscriber number identifiable by an

automatic number identification, said emergency service including an automatic location

identification database. For example, according to the FCC

> Most 9-1-1 systems ***now automatically report the telephone number*** and
> ***location*** of ***9-1-1*** calls made from ***wireline phones***. Enhanced 9-1-1, or E9-1-1,
> improves the reliability of ***wireless 9-1-1 calls*** by providing public safety and
> emergency response personnel with the location information of a call so they can
> ***locate and provide assistance to wireless callers more effectively***.[5]

More, Swiftreach advertises that "SLIM™ Personal is a mobile app used by building occupants

to communicate with 911 dispatch and law enforcement in real-time during an emergency

event." Swiftreach advertises that SLIM uses bi-directional communication involving text

messages, floorplans, room status updates, and photos, indicating that the number and the

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[2] *See, e.g.*, https://www.swiftreach.com/Solutions/Swift911%E2%84%A2.aspx.
[3] *See, e.g.*, https://www.swiftreach.com/Solutions/SLIM%E2%84%A2.aspx.
[4] *See, e.g.*, https://www.swiftreach.com/SwiftAPI/APIOverview.aspx.
[5] *See, e.g.*, https://www.fcc.gov/general/9-1-1-and-e-9-1-1 (emphasis added).

location of the callers are used in the Swiftreach's products and services. Swiftreach advertises that SLIM uses bi-directional communication among users of the SLIM mobile app; SLIM products and services; and intended recipients of the emergency information such as 9-1-1, medical personnel, law enforcement, parents, nearby schools, and staff, as depicted below.[6]
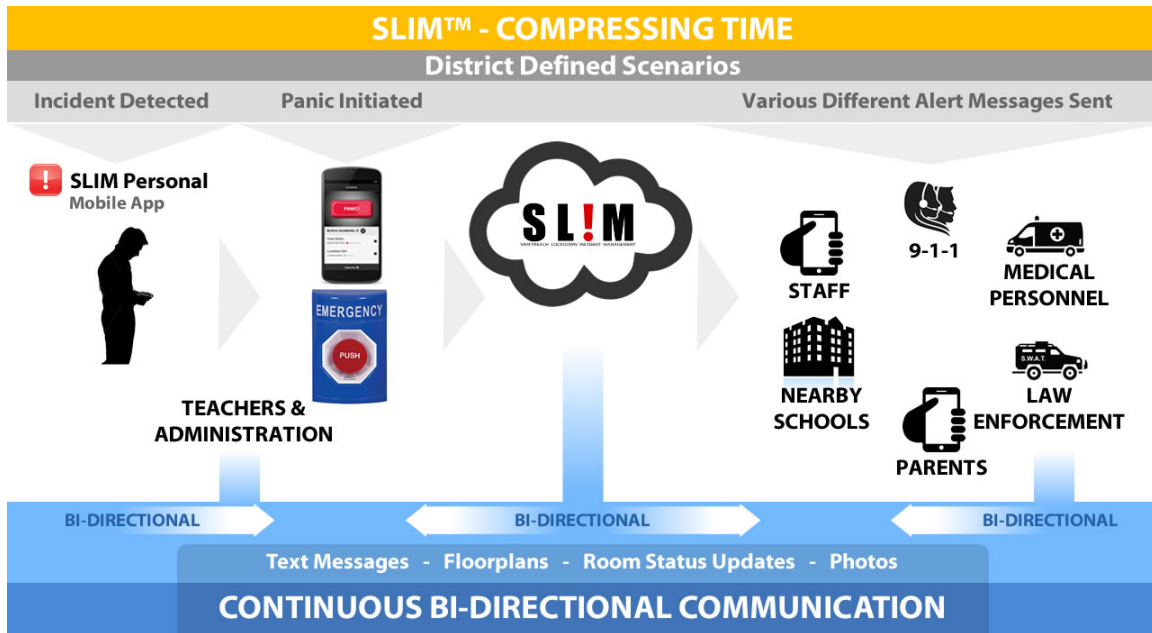
13.   On information and belief, the Accused Instrumentalities perform the step of receiving a query automatic number identification of a call placed to said emergency service, said query automatic number identification corresponding to a query made to said automatic location identification database. For example, according to the FCC

> Most 9-1-1 systems **now automatically report the telephone number** and **location** of **9-1-1** calls made from **wireline phones**. Enhanced 9-1-1, or E9-1-1, improves the reliability of **wireless 9-1-1 calls** by providing public safety and emergency response personnel with the location information of a call so they can **locate and provide assistance to wireless callers more effectively**.[7]

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[6] *School Lockdown*, https://www.swiftreach.com/Solutions/SLIM%E2%84%A2/ForSchools.aspx.
[7] *See, e.g.*, https://www.fcc.gov/general/9-1-1-and-e-9-1-1 (emphasis added).

More, example, Swiftreach advertises that "SLIM™ Personal is a mobile app used by building occupants to communicate with 911 dispatch and law enforcement in real-time during an emergency event." In addition Swiftreach advertises that "Swift911™ solution integrates world-class Emergency Alerting, Lockdown Incident Management, Public Contact Registration, and Contact Lookup into one easy to use application."[8] Swiftreach also advertises that Swift911 incorporates location information in the products and services that it offers, as shown below.[9]

HIGHLIGHTS

BENEFITS
> FEATURES
USES

- Contact Management
  + Advanced list management
  + G.I.S. mapping
  + Custom, user-defined fields
  + Contact search
  + Public "Opt-in" web-portal
  + Geo-code addresses in real time
  + Powerful data import function
- Outbound Messaging
  + Deliver messages via multiple methods simultaneously
  + Quick alert wizard
  + Highly configurable voice messaging options
  + Conference calling
  + Home alone Monitoring
  + Intelligent, personalized message delivery.
  + PIN number prompt
  + Support for CAP, WEA and EAS
  + Auto-Trigger weather alerts
  + Call-throttling
  + Multi-lingual support and text-to-speech
- Inbound Messaging
  + High-capacity inbound hotline
  + 2-way text message
  + SwiftReach DID (Direct Inward Dial) Number
  + Integrated 2-way communication

14.   On information and belief, the Accused Instrumentalities perform the step of using said query automatic number identification to fetch a subscriber record containing indicia

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[8] https://www.swiftreach.com/Solutions/Swift911%E2%84%A2.aspx.
[9] *SwiftAPI Overview*, https://www.swiftreach.com/SwiftAPI/APIOverview.aspx.

corresponding to said identified parties from a subscriber database. For example, according to the FCC

> Most 9-1-1 systems **now automatically report the telephone number** and **location** of **9-1-1** calls made from **wireline phones**. Enhanced 9-1-1, or E9-1-1, improves the reliability of **wireless 9-1-1 calls** by providing public safety and emergency response personnel with the location information of a call so they can **locate and provide assistance to wireless callers more effectively**.[10]

More, Swiftreach advertises that "SwiftReach authenticates and distributes messages to hundreds, thousands or millions of contacts," as shown below.[11]

HERE'S HOW IT WORKS

1. Your app makes a web-services request.
2. SwiftReach authenticates and distributes messages to hundreds, thousands or millions of contacts via;

> Voice
> Text
> Email
> Fax
> RSS
> Social Media

3. SwiftReach provides real-time results back to your app.

15.   On information and belief, the Accused Instrumentalities perform the step of activating a message response system in response to said indicia to thereby initiate notification to said identified parties that a call to said emergency service has been made from a subscriber number identified by said query automatic number identification. For example, Swiftreach advertises activating a message response system in response to an emergency, as shown below.

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[10] *See, e.g.*, https://www.fcc.gov/general/9-1-1-and-e-9-1-1 (emphasis added).
[11] https://www.swiftreach.com/SwiftAPI/APIOverview.aspx.

During an emergency or other type of incident, staff can alert others, report injured persons or other immediate hazards. Law enforcement and administration can observe these reports through text, pictures and a dynamic floor plan that changes room designations by color, icon and annotation. **SLIM™** will revolutionize how you deal with emergencies and automatically turn your plans into action.

> **Initiate One Button Lockdown:** Quickly and easily using any of the following:

>> **Mobile App Button**

>> **Physical Panic Button** (On wall or under desk)

>> **Phone System** (Soft button)

>> **Text Message**

> **Staff Instantly Alerted:** Instructions sent discreetly through SMS and/or overtly via existing PA system.

> **Police and 911 Alerted:** Police and 911 dispatch immediately receive building floorplans with real-time status and camera feeds. They also receive an accountability list and location of all staff and students (some accountability features require SIS is integration).

> **Parents Alerted:** Parents automatically contacted with instructions and location of student pickup.

> **Hotline Automatically Set Up:** Parents can call in for more information and situation updates.

> **Drill Mode:** Utilizing **SLIM™**, schools and law enforcement can implement "lockdown drills".

16.   On information and belief, Defendants have directly infringed and continue to directly infringe the '385 Patent by, among other things, making, using, offering for sale, and/or selling the '385 Accused Instrumentalities. On information and belief, such products and/or services are covered by one or more claims of the '385 Patent including at least claim 1.

17.   By making, using, offering for sale, and/or selling the Accused Instrumentalities infringing the '385 Patent, Defendants have injured 911 Notify and are liable to 911 Notify for infringement of the '385 Patent pursuant to 35 U.S.C. § 271(a) directly and/or under the doctrine of equivalents.

18.   In addition, Defendants actively induce others, including without limitation customers and end users of Accused Instrumentalities, services based thereupon, and related products and/or processes, to directly infringe each and every claim limitation, including without limitation claim 1 of the '385 Patent, in violation of 35 U.S.C. § 271(b). Upon information and belief, Defendants' customers and/or end users have directly infringed and are directly infringing each and every claim limitation, including without limitation claim 1 of the '385 Patent. Defendants have actual knowledge of the '385 Patent at least as of service of this Complaint. Defendants are knowingly inducing its customers and/or end users to directly infringe the '385 Patent, with the specific intent to encourage such infringement, and knowing that the induced acts constitute patent infringement. Defendants' inducement includes, for example, providing technical guides, product data sheets, demonstrations, software and hardware specifications, installation guides, and other forms of support that induce its customers and/or end users to directly infringe the '385 Patent.

19.   To the extent facts learned in discovery show that Defendants' infringement of the '385 Patent is or has been willful, 911 Notify reserves the right to request such a finding at time of trial.

20.   As a result of Defendants' infringement of the '385 Patent, 911 Notify has suffered monetary damages in an amount adequate to compensate for Defendants' infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the Court, and 911 Notify will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

21.   Unless a permanent injunction is issued enjoining Defendants and their agents, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '385 Patent, 911 Notify will be greatly and irreparably harmed.

COUNT II
(Infringement of U.S. Patent No. 6,775,356)

22.   Plaintiff re-alleges and incorporates by reference the allegations in the foregoing paragraphs as if fully set forth herein.

23.   On information and belief, Defendants make, use, offer for sale and/or sell in the United States the Accused Instrumentalities that infringe, literally or under the doctrine of equivalents, various claims of the '356 Patent, and continue to do so.

24.   On information and belief, the Accused Instrumentalities perform a telephone service method within a telephone system that provides notification to identified parties that an emergency call to an emergency service has been made from a subscriber. For example, Swiftreach advertises that "Integrated with Swift911™, SLIM™ (SwiftReach Lockdown Incident Management) allows staff members of any building to trigger a lockdown through a mobile app, panic button or text message.," as shown below.[12]

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[12] *School Lockdown,* https://www.swiftreach.com/Solutions/SLIM%E2%84%A2/ForSchools.aspx.

What else can be activated?

In addition to staff, police, 911 and parents being alerted, other devices can be activated. The system can secure all perimeter doors, disable card access, flash strobe lights warning people, trigger PA system message and more.

| Strobe Light | IP Cameras | IP Phone Notification | Disable Card Access | PA Announcement |

Lockdown (SLIM™)

Integrated with Swift911™ Alerting, SLIM™ allows staff members of any building to trigger a lockdown through a mobile app, panic button or text message. This trigger can immediately alert all staff, local law enforcement, as well as any defined contacts such as other buildings and surrounding homes.

SLIM™ provides law enforcement and first responders real-time visibility during a lockdown based on staff member check-in through the SLIM™ Responder mobile app.

> **Direct Communication:** School staff can communicate discretely with law enforcement through text messages or chat. SLIM™ automatically distributes alerts using a district-defined scenario, including alerts to all school staff, law enforcement and the surrounding public areas.

> **Situational Awareness:** Interactive floor plans are immediately available via any web-enabled device. Building status is indicated by real-time room color changes.

> **Triage Management:** Student and staff injuries can be prioritized based on location, severity, and count.

> **Post-incident Reporting:** Comprehensive log of all events for after-action analysis and legal proceedings.

> **Drill Mode:** Utilizing SLIM™, schools and law enforcement can implement "lockdown drills".

     25.   On information and belief, the Accused Instrumentalities perform the step of receiving an alert signal indicating that a call has been placed to said emergency service. For example, Swiftreach advertises that "SLIM™ Personal is a mobile app used by building occupants to communicate with 911 dispatch and law enforcement in real-time during an emergency event."[13] In addition, Swiftreach advertises that

> Our Swift911™ solution integrates world-class Emergency Alerting , Lockdown Incident Management, Public Contact Registration, and Contact Lookup into one easy to use application. Swift911™ is utilized by over 1,500 organizations nationwide. These organizations consist of numerous industries such as: government, technology, education, healthcare, utilities and enterprise.

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[13] https://www.swiftreach.com/Solutions/Swift911%E2%84%A2/SLIM%E2%84%A2.aspx.

Swift911™ provides a user friendly interface, backed by a fault-tolerant network, utilized to alert residents, staff and customers regarding emergencies and other time-sensitive events. Using an integrated, cohesive approach, Swift911™ delivers messages via multiple contact methods including; voice, text, email, fax and social media and syndicates messages via RSS and CAP/IPAWS.[14]

26.   On information and belief, the Accused Instrumentalities perform the step of

collecting real-time data from message content of said call in response to receiving said alert

signal, said real-time data being collected within an interval between a time that said emergency

call is recognized and a response is initiated. For example, Swiftreach advertises that "Police

and 911 dispatch immediately receive building floorplans with real-time status and camera feeds.

They also receive an accountability list and location of all staff and students (some accountability

features require SIS is integration),"[15] as shown previously.

27.   On information and belief, the Accused Instrumentalities perform the step of

using said alert signal to fetch a subscriber record containing indicia corresponding to said

identified parties from a subscriber database. For example, Swiftreach advertises that "Our

Swift911™ solution integrates world-class Emergency Alerting, Lockdown Incident

Management, Public Contact Registration, and Contact Lookup into one easy to use

application."[16]

28.   On information and belief, the Accused Instrumentalities perform the step of

Activating a message response system in response to said indicia to thereby initiate notification

to said identified parties that a call to said emergency service has been made from a subscriber

identified by said alert signal, said notification including a message comprised of at least part of

said real-time data. For example, Swiftreach advertises that "SwiftReach authenticates and

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[14] https://www.swiftreach.com/Solutions/Swift911%E2%84%A2.aspx.
[15] https://www.swiftreach.com/Solutions/SLIM%E2%84%A2/ForSchools.aspx.
[16] https://www.swiftreach.com/Solutions/Swift911%E2%84%A2.aspx.

distributes messages to hundreds, thousands or millions of contacts."[17] Swiftreach also

advertises that "Police and 911 dispatch immediately receive building floorplans with real-time

status and camera feeds. They also receive an accountability list and location of all staff and

students (some accountability features require SIS is integration)."[18] In addition, Swiftreach

advertises that "Parents automatically contacted with instructions and location of student

pickup."

29.   On information and belief, Defendants have directly infringed and continue to

directly infringe the '356 Patent by, among other things, making, using, offering for sale, and/or

selling the '356 Accused Instrumentalities. On information and belief, such products and/or

services are covered by one or more claims of the '356 Patent including at least claim 1.

30.   By making, using, offering for sale, and/or selling the Accused Instrumentalities

infringing the '356 Patent, Defendants have injured 911 Notify and are liable to 911 Notify for

infringement of the '356 Patent pursuant to 35 U.S.C. § 271(a) directly and/or under the doctrine

of equivalents.

31.   In addition, Defendants actively induce others, including without limitation

customers and end users of Accused Instrumentalities, services based thereupon, and related

products and/or processes, to directly infringe each and every claim limitation, including without

limitation claim 1 of the '356 Patent, in violation of 35 U.S.C. § 271(b). Upon information and

belief, Defendants' customers and/or end users have directly infringed and are directly infringing

each and every claim limitation, including without limitation claim 1 of the '356 Patent.

Defendants have actual knowledge of the '356 Patent at least as of service of this Complaint.

Defendants are knowingly inducing their customers and/or end users to directly infringe the '356

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[17] https://www.swiftreach.com/SwiftAPI/APIOverview.aspx.
[18] https://www.swiftreach.com/Solutions/SLIM%E2%84%A2/ForSchools.aspx.

Patent, with the specific intent to encourage such infringement, and knowing that the induced

acts constitute patent infringement. Defendants' inducement includes, for example, providing

technical guides, product data sheets, demonstrations, software and hardware specifications,

installation guides, and other forms of support that induce their customers and/or end users to

directly infringe the '356 Patent.

32.   To the extent facts learned in discovery show that Defendants' infringement of the

'356 Patent is or has been willful, 911 Notify reserves the right to request such a finding at time

of trial.

33.   As a result of Defendants' infringement of the '356 Patent, 911 Notify has

suffered monetary damages in an amount adequate to compensate for Defendants' infringement,

but in no event less than a reasonable royalty for the use made of the invention by Defendants,

together with interest and costs as fixed by the Court, and 911 Notify will continue to suffer

damages in the future unless Defendants' infringing activities are enjoined by this Court.

34.   Unless a permanent injunction is issued enjoining Defendants and their agents,

employees, representatives, affiliates, and all others acting or in active concert therewith from

infringing the '356 Patent, 911 Notify will be greatly and irreparably harmed.

COUNT III
(Infringement of U.S. Patent No. 8,396,447)

35.   Plaintiff re-alleges and incorporates by reference the allegations in the foregoing

paragraphs as if fully set forth herein.

36.   On information and belief, Defendants make, use, offer for sale and/or sell in the

United States the Accused Instrumentalities that infringe, literally or under the doctrine of

equivalents, various claims of the '447 Patent, and continue to do so.

37.   On information and belief, the Accused Instrumentalities perform a method for contacting 9-1-1 and notifying at least one contact of an emergency. For example, Swiftreach advertises that "Integrated with Swift911™, SLIM™ (SwiftReach Lockdown Incident Management) allows staff members of any building to trigger a lockdown through a mobile app, panic button or text message.," as shown previously.[19] Also, Swiftreach advertises that SLIM uses bi-directional communication among users of the SLIM mobile app; SLIM products and services; and intended recipients of the emergency information such as 9-1-1, medical personnel, law enforcement, parents, nearby schools, and staff, as previously shown.

38.   On information and belief, the Accused Instrumentalities perform the step of receiving, by a cellular device, an indication of the emergency, the cellular device sending, without user action, a request to a server, the sending being in response to the receipt of the indication of the emergency. For example, Swiftreach advertises that App users "Automatically sent initial instructions relevant to the incident," as shown below.[20]

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[19] *School Lockdown,* https://www.swiftreach.com/Solutions/SLIM%E2%84%A2/ForSchools.aspx.
[20] *School Lockdown,* https://www.swiftreach.com/Solutions/SLIM%E2%84%A2/ForSchools.aspx.

Unprecedented real-time dynamic floor plans including video feeds, photographs and communication with building occupants gives instantaneous situational awareness

SLIM™ Personal

Patent Pending

SLIM™ Personal is a mobile app used by building occupants to communicate with 911 dispatch and law enforcement in real-time during an emergency event. App users:

> Automatically sent initial instructions relevant to the incident.

> Check-in with current location and room status.

> Can communicate directly with first responders.

> Can transmit photos of injured people, threats, etc.

> Can view floor-plans with evacuation or escape routes indicated.

SLIM™ Responder

Patent Pending

SLIM™ Responder is a mobile app used by first responders to facilitate communication with incident management during an emergency event.

> Direct access to building floor plans on a smart phone.

> View building and room status including reported threat locations.

> Change room status as a building is cleared.

> Send notes with rich content including photos to incident command.

39.   On information and belief, the Accused Instrumentalities perform the step of sending an acknowledgement back to the cellular device and sending a notification to the at least one contact. For example, Swiftreach advertises that "SwiftReach authenticates and distributes messages to hundreds, thousands or millions of contacts." Swiftreach also advertises that "[f]irst responders gain real-time visibility and interactivity on the scene during a lockdown using the SLIM™ Responder app for mobile phones and tablets," as shown below.[21]

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[21] https://www.swiftreach.com/Solutions/SLIM%E2%84%A2.aspx.

! SLIM™ *Patent Pending*

MOBILE APPS FOR

Integrated with Swift911™, **SLIM™ (SwiftReach Lockdown Incident Management)** allows staff members of any building to trigger a lockdown through a mobile app, panic button or text message. This trigger can immediately alert all staff, local law enforcement, as well as any defined contacts such as other buildings and surrounding homes.

FOR SCHOOLS learn more >   **FOR MALLS** learn more >   **FOR ENTERPRISE** learn more >

SLIM™ provides law enforcement and incident command with complete incident management access through a web-based, desktop console. First responders gain real-time visibility and interactivity on the scene during a lockdown using the **SLIM™ Responder** app for mobile phones and tablets.

> **Situational Awareness:** Floor plans are immediately available. Building status indicated by real-time room color changes and threat icon overlays.

> **Direct Communication:** Communicate with building occupants discretely through SMS/TXT messages or chat. Broadcast messages to all occupants in a building or floor. Alert law enforcement and the surrounding public residential areas.

> **Triage Management:** Prioritize the treatment of the injured based on location, severity, and count.

> **Post-Incident Reporting:** Comprehensive log of all events for after-action analysis and legal proceedings.

40.   On information and belief, the Accused Instrumentalities perform the step of calling 9-1-1 by the cellular device without user action after receipt of the acknowledgement. For example, Swiftreach advertises that "SLIM™ Personal is a mobile app used by building occupants to communicate with 911 dispatch and law enforcement in real-time during an emergency event," as shown previously.

41.   On information and belief, Defendants have directly infringed and continue to directly infringe the '447 Patent by, among other things, making, using, offering for sale, and/or selling the '447 Accused Instrumentalities. On information and belief, such products and/or services are covered by one or more claims of the '447 Patent including at least claim 12.

42.   By making, using, offering for sale, and/or selling the Accused Instrumentalities

infringing the '447 Patent, Defendants have injured 911 Notify and are liable to 911 Notify for

infringement of the '447 Patent pursuant to 35 U.S.C. § 271(a) directly and/or under the doctrine

of equivalents.

43.   In addition, Defendants actively induce others, including without limitation

customers and end users of Accused Instrumentalities, services based thereupon, and related

products and/or processes, to directly infringe each and every claim limitation, including without

limitation claim 12 of the '447 Patent, in violation of 35 U.S.C. § 271(b). Upon information and

belief, Defendants' customers and/or end users have directly infringed and are directly infringing

each and every claim limitation, including without limitation claim 12 of the '447 Patent.

Defendants have actual knowledge of the '447 Patent at least as of service of this Complaint.

Defendants are knowingly inducing their customers and/or end users to directly infringe the '447

Patent, with the specific intent to encourage such infringement, and knowing that the induced

acts constitute patent infringement. Defendants' inducement includes, for example, providing

technical guides, product data sheets, demonstrations, software and hardware specifications,

installation guides, and other forms of support that induce their customers and/or end users to

directly infringe the '447 Patent.

44.   To the extent facts learned in discovery show that Defendants' infringement of the

'447 Patent is or has been willful, 911 Notify reserves the right to request such a finding at time

of trial.

45.   As a result of Defendants' infringement of the '447 Patent, 911 Notify has

suffered monetary damages in an amount adequate to compensate for Defendants' infringement,

but in no event less than a reasonable royalty for the use made of the invention by Defendants,

together with interest and costs as fixed by the Court, and 911 Notify will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

46.   Unless a permanent injunction is issued enjoining Defendants and their agents, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '447 Patent, 911 Notify will be greatly and irreparably harmed.

PRAYER FOR RELIEF

Plaintiff prays for the following relief:

A.   A judgment that Defendants have infringed one or more claims of the '385, '356 and '447 Patents;

B.   A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with Defendants, from infringing the '385, '356 and '447 Patents;

C.   An award of damages resulting from Defendants' acts of infringement in accordance with 35 U.S.C. § 284;

D.   A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees against Defendant.

E.   A judgment and order requiring Defendants to provide accountings and to pay supplemental damages to Plaintiff, including, without limitation, prejudgment and post-judgment interest; and

F.   Any and all other relief to which Plaintiff may show itself to be entitled.

JURY TRIAL DEMANDED

Plaintiff hereby demands a trial by jury of all issues so triable.

Dated: January 23, 2017

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/s/   *Benjamin T. Wang*
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