

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

RICPI COMMUNICATIONS LLC

Plaintiff,

v.

ZETRON INC.,

Defendant.

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CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT FOR INFRINGEMENT OF PATENT

COMES NOW, Plaintiff RICPI Communications LLC (“RICPI” or Plaintiff), through the undersigned attorneys, and respectfully alleges, states, and prays as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement under the Patent Laws of the United States, Title 35 United States Code (“U.S.C.”) to prevent and enjoin defendant Zetron Inc., (hereinafter “Defendant”) from infringing and profiting, in an illegal and unauthorized manner and without authorization and/or of the consent from RICPI, from U.S. Patent No. 7,333,806 (the “806 patent”, attached hereto as Exhibit “A”) (the “Patent-in-Suit”) pursuant to 35 U.S.C. § 271, and to recover damages, attorney’s fees, and costs.

THE PARTIES

2. Plaintiff RICPI is a Texas entity with its principal place of business at 15922 Eldorado Pkwy., Suite 500-1528, Frisco, TX 75035.

3. Upon information and belief, Defendant is a company organized and existing under the laws of the State of Washington, having a principal place of business at PO Box

97004, 12034 134th Ct NE Redmond, WA 980739704. Upon information and belief, Defendant may be served with process at 12034 134th CT NE; Redmond, WA 98073.

JURISDICTION AND VENUE

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

5. Defendant is subject to this Court's personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business and purposeful availment of this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial district.

6. Upon information and belief, Defendant, directly and/or through its employees or agents, and/or its customers, makes, uses, sells and/or offers to sell products, as defined below, with the knowledge and/or understanding that such products are used or will be used in this District. For example, the accused products are available in this district through Defendant's website.¹ Upon information and belief, Defendant has engaged in substantial and not isolated activity within this District. Therefore, exercise of jurisdiction over Defendant will not offend traditional notions of fair play and substantial justice. Such an exercise is consistent with the Texas long-arm statute.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Defendant is subject to personal jurisdiction in this district, has regularly conducted

¹ <http://www.zetron.com/products/radiodispatch/maxdispatch.aspx>

business in this judicial district and certain of the acts complained of herein occurred in this judicial district.

FACTUAL ALLEGATIONS

8. On February 19, 2008, the United States Patent and Trademark Office (“USPTO”) duly and legally issued the ‘806 patent, entitled “System And Method For Enabling Two-Way Radio Communications Over A Computer Network” after a full and fair examination. (Exhibit A).

9. RICPI is presently the owner of the patent, having received all right, title and interest in and to the ‘806 patent from the previous assignee of record. RICPI possesses all rights of recovery under the ‘806 patent, including the exclusive right to recover for past infringement.

10. The ‘806 patent contains three (3) independent claims and six-teen (16) dependent claims.

11. The ‘806 patent claims, *inter alia*, a system for two-way radio communication.

12. Defendant commercializes, *inter alia*, two-way radio communication systems that include each and every element of at least one claim of the ‘806 patent.

DEFENDANT’S PRODUCTS

13. The accused products include, but are not limited to, the “MAX Dispatch System” (the “Accused Product”). As shown in Defendant’s promotional materials, the Accused Product comprises a system for two-way radio communication. The MAX Dispatch System comprises communication between two-way radio devices.²

14. The Accused Product comprises a first two-way radio comprising: (i) a means for selecting and transmitting a signal code (e.g., selecting a channel code pertaining to a target base

² <http://www.zetron.com/Portals/0/PDFs/products/Spec%20Sheet%20PDFs/02-RadioDispatch/005-1401%20MAX%20Dispatch.pdf>

station to which another two-way radio is associated with) to a shared, public base/repeater station (e.g., a repeater which the first two-way radio is associated with); (ii) a means for sending two-way radio communication signals to said shared (e.g., a transmitter working at various UHF bands), public base/repeater station; (iii) a means for receiving two-way radio communication signals from said shared, public base/repeater station (e.g., a receiver working at various UHF bands).

15. The Accused Product comprises (b) said shared, public base/repeater station comprising: (i) a base/repeater station decoder (e.g., a repeater decoder is an integral part of the base station to perform decoding functions) at said shared, public base/repeater station for decoding the signal code from said first two-way radio into a signal that is recognized by a base/repeater station controller (e.g., a repeater controller is an integral component of the base station which facilitates the identification of stations) located at said shared, public base/repeater station and transferring said signal to said base/repeater station controller via a dedicated connection (e.g., the controller and decoder both being components integrated in the base station will thus be connected via dedicated circuits).

16. The Accused Product comprises (ii) wherein said base/repeater station controller (e.g., the controller integrated into the base station/repeater) comprises a means for receiving said decoded signal from said base/repeater station decoder (e.g., the integrated controller will receive decoded signals from the decoder integrated into the base station/repeater) and correlating said decoded signal to one or more internet addresses associated with at least one target base station by which there is established a bi-directional computer network link (e.g., by means of radio internet protocol communication module which is utilized to connect repeaters by IP link) with said at least one target base station using said internet address for the exchange of two-way radio

communication signals; and (iii) wherein said shared, public base/repeater station further comprises a means for sending and receiving two-way radio communications signals to and from said first two-way radio (e.g., a Zetron base station is able to receive and send communications to a connected radio).

17. The Accused Product comprises (c) wherein said at least one said target base station comprises: (i) a target station controller located at said target base station (e.g., controller integrated in a base station/repeater) comprising a means for establishing a bi-directional computer network link with said shared, public base/repeater station for two-way radio communication signals (e.g., a second base station/repeater is able to connect to a first base station/repeater and facilitate communication between two-way radios connected to either base station/repeater); and (ii) wherein said at least one target base station further comprises a means for sending and receiving (e.g., a transmitter and receiver respectively) two-way radio communication signals to and from a second two-way radio.

18. The Accused Product comprises at least one second two-way radio (e.g., the second terminal to which first radio is in communication with) comprising: (i) a means (e.g., the receiver of the two-way radio) for receiving two-way radio communication signals from said at least one target base station; and (ii) a means (e.g., a transmitter of the two-way radio) for sending two-way radio communication signals to said at least one target base station.

19. The Accused Product comprises (e) whereby two-way radio communication signals are bi-directionally exchanged directly between said first two-way radio and said second two-way radio via said bi-directional computer network link directly between said shared, public base/repeater station controller and said target station controller (e.g., between first base/repeater station and target base/repeater station, both with integrated controllers).

20. The elements described in paragraphs 13-19 are covered by at least claim 1 of the '806 patent.

INFRINGEMENT OF THE '806 PATENT

21. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1 to 20.

22. In violation of 35 U.S.C. § 271, Defendant is now, and has been directly infringing the '806 patent.

23. Defendant has had knowledge of infringement of the '806 patent at least as of the service of the present complaint.

24. Defendant has directly infringed and continues to directly infringe at least claim 1 of the '806 patent by using, making selling and/or offering to sell the Accused Product without authority in the United States, and will continue to do so unless enjoined by this Court. For example, Defendant sells, offers to sell and advertises the Accused Product through a website that is available in Texas. As a direct and proximate result of Defendant's direct infringement of the '806 patent, Plaintiff has been and continues to be damaged.

25. By engaging in the conduct described herein, Defendant has injured RICPI and is thus liable for infringement of the '806 patent, pursuant to 35 U.S.C. § 271.

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

27. As a result of Defendant's infringement of the '806 patent, RICPI has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

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

DEMAND FOR JURY TRIAL

29. RICPI demands a trial by jury of any and all causes of action.

PRAYER FOR RELIEF

WHEREFORE, RICPI prays for the following relief:

1. That Defendant be adjudged to have infringed the Patent-in-Suit directly, literally and/or under the doctrine of equivalents;
2. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly infringing the Patent-in-Suit;
3. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate RICPI for the Defendant's past infringement and any continuing or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement, including compensatory damages;
4. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;
5. That Defendant be directed to pay enhanced damages, including RICPI's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285; and
6. That RICPI have such other and further relief as this Court may deem just and proper.

Dated: February 27, 2017

Respectfully Submitted,

By: /s/Eugenio J. Torres-Oyola

Eugenio J. Torres-Oyola

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**ATTORNEYS FOR PLAINTIFF
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