IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WEATHERPROOF WIRELESS, LLC, Plaintiff, v. ITRON, INC., Defendant.	CIVIL ACTION FILE NO. _____ **JURY TRIAL DEMANDED**

COMPLAINT

For its Complaint, Plaintiff Weatherproof Wireless, LLC by and through its undersigned counsel, alleges as follows:

THE PARTIES

1. Weatherproof Wireless, LLC is a Texas limited liability company with a place of business located at Plano, Texas.

2. Upon information and belief, defendant Itron, Inc. ("Itron") is a Washington State Corporation with a regular and established place of business at 5390 Triangle Parkway, Suite 300, Norcross, GA 30092. Itron may be served with process by and through its registered agent for service of process: National Registered Agents, Inc., 289 S. Culver Street, Lawrenceville, Georgia 30046.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq*.

4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

5. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b) because Itron has a regular and established place of business and, upon information and belief, has committed acts of infringement in this judicial district.

THE PATENT-IN-SUIT

6. United States Patent No. 7,522,876 B1 (the "'876 patent") – entitled "Distributed Access Gateway and Wireless Router Pods and Public Safety Communications Infrastructure Incorporating the Same" – was duly and lawfully issued by the U.S. Patent and Trademark Office on April 21, 2009. A true and correct copy of the '876 patent is attached hereto as Exhibit A.

7. The claims of the '876 patent disclose a wireless router housed in a weatherproof enclosure, with gasket, and featuring antenna(s), mounting bracket and a wire harness to connect to electric power.

8. The inventors of the invention claimed in the '876 patent are Henry D. Meitzen and Maurice L. Pipkin.

9. Weatherproof Wireless is the assignee and owner of all right, title and

interest in and to the '876 patent, including, *inter alia*, the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it, including but not limited to the right to sue for past, present, and future damages.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,522,876

10. Weatherproof Wireless repeats and realleges the allegations of paragraphs 1 through 9 as if fully set forth herein.

11. Without license or authorization and in violation of 35 U.S.C. § 271(a), Itron has infringed at least claims 1, 2, 3, 6, 8, 9, 10, 11, and 13 of the '876 patent by making, having made, using, importing, offering for sale, and/or selling access gateway and wireless router pods, including the Itron CCU 100 ("Itron CCU").

12. More specifically, by way of example, the accused Itron CCU meets all the limitations of Claim 1 as it is an access gateway/wireless router pod that includes the following elements. The information contained in this paragraph is provided for illustrative purposes only and is not intended to depict all supporting evidence of the presence of these limitations of Claim 1, or any of the other asserted claims. Other evidence may be publicly available or become available during discovery in this action.

a. a weather-resistant housing including a first and a second shell and a gasket in between;

> A collector or repeater consists of a number of components in a single weatherproof device. Electrical components are encased in a plastic enclosure that provides double insulation and a high level of safety for the installer.

See Itron CCU 100 and Repeater 100 Installation Guide, p. 34 (Users-Manual-31177632)

See Itron CCU 100 and Repeater 100 Installation Guide.

b. a battery compartment;

See Itron CCU 100 and Repeater 100 Installation Guide

b. a wireless router/access gateway located within the housing;

> Itron's new CCU 100 makes that link stronger than ever. The CCU 100 (also known as a collector) reads data from Itron electricity meters, gas and water endpoints and repeaters. Data is forwarded from the collector to the utility over a public wide area network (cellular-based WAN or broadband) or a private WAN supporting IP-addressable packet data. Data is

See Itron CCU Product Brochure

Itron's latest fixed-network collector, the CCU 100, supports the needs of today's evolving utility by providing:

- Two-way communication to endpoints and to the repeater to collect on-demand reads and issue network commands
- Robust collection of time-synchronized interval data, when coupled with a meter data management system, helps utilities:
  - Improve customer service
  - Refine forecast consumption
  - Manage and control tamper and theft
  - Develop new rate-based and customer incentive programs
  - Better respond to customer "what-if" questions
- Time-synchronization of endpoint clocks, ensuring data collected territory-wide is accurately time-stamped
- Retrieval of missing interval data in the event of a network outage
- A compact device footprint that is lightweight and unobtrusive
- Flexible and easy installation including tower, building or utility pole-mount options
- Low power consumption
- Solar-powered configurations for locations where hard-wired power is not readily available
- Multiple communication options for public and private WAN backhauls. Public and private technologies can be combined in a deployment, providing a hybrid approach best suited to the communication strengths of a given area

See id.

» Backhaul Specifications
- Ethernet
- Flexible Private LAN options via Ethernet connection
- HSPA/UMTS
- EDGE/GPRS/GSM
- CDMA EV-DO Rev A
- CDMA 1xEV-DO Rev 0
- CDMA 1xRTT
- CDMA IS-95

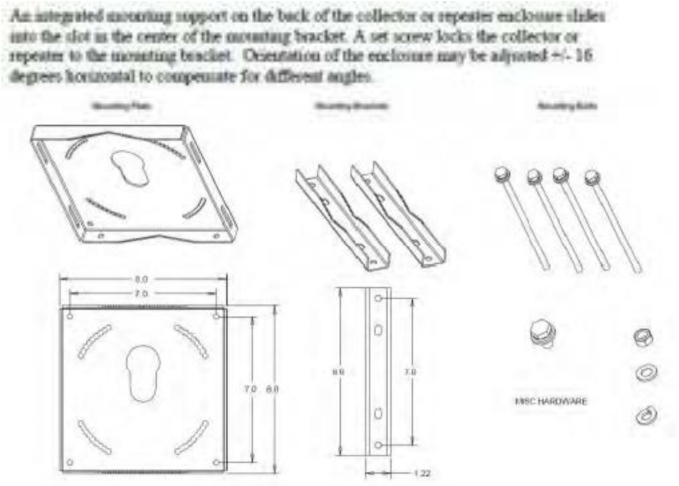
See id.

c. an antenna coupled to the housing and coupled to the wireless router or the access gateway through an antenna connection;

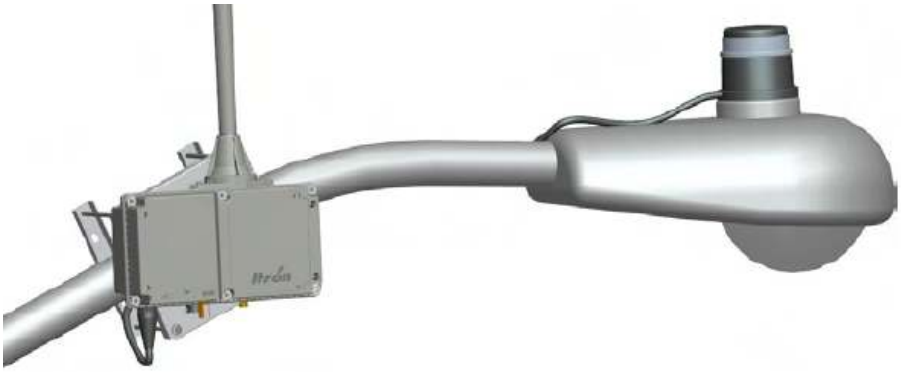
Item	Description
1	**Collector or repeater module** Processes data from the antennas and relays it on to the Fixed Network Application Software. Only authorized Itron personnel may open this module.
2	**900 MHz antenna** This 900MHz antenna receives messages from and sends messages to endpoints and repeaters in the network. The connection for this antenna is a Type N female.

See Itron CCU 100 and Repeater 100 Installation Guide

d. a mounting bracket couplable to the housing for mounting the device to a fixture; and



See Itron CCU 100 and Repeater 100 Installation Guide



See Itron CCU 100 and Repeater 100 Installation Guide

e. an electrical harness coupled to the housing and configured to couple the wireless router and the access gateway to a source of electric power that is associated with the fixture.

Installation Profiles

You can install the collector or repeater in a variety of configurations and locations.

Depending on the installation location, you can:

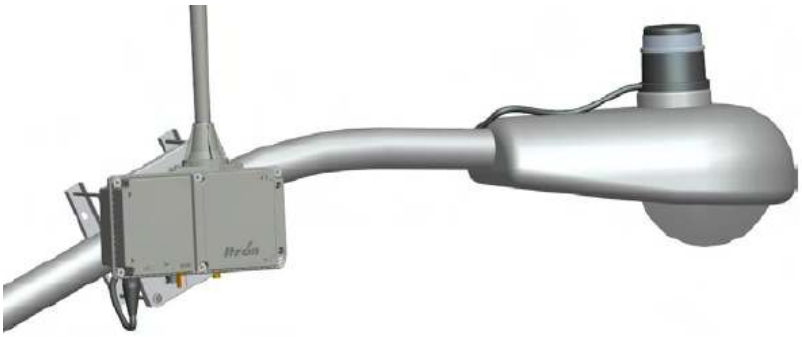
- Install the CCU or repeater components in the same location (as an integrated solution). This is the recommended configuration.
- Install the GPS/WAN antennas externally from the collector or repeater.
- Install the 900 MHz antenna remotely (as a distributed solution).

For example, you can install the collector or repeater at the base of a water tower, mount the external GPS/WAN antenna system further away for optimum reception, and place the 900 MHz antenna at the top of the water tower.

The following profiles were identified for CCU installation.

Location	Description
Utility pole	The collector or repeater is installed on a utility pole. Mount the collector or repeater as high as possible on the pole for optimum reception.
Light pole	The collector or repeater is installed on either a light pole or the davit arm that extends from the light pole. Mount the collector or repeater as high as possible on the pole for optimum reception.
Outdoor wall or pipe with remote 900 MHz antenna	The collector or repeater is installed on an outside wall or pipe with the 900 MHz antenna remotely mounted to achieve the maximum elevation and reception.
Indoor wall or pipe with remote 900 MHz antenna and external GPS/WAN antennas	The collector or repeater is installed inside an equipment room with the 900 MHz antenna remotely mounted to achieve maximum elevation and reception. The WAN (or other digital cellular) and GPS antenna are externally mounted to provide acceptable coverage.
Pipe or mast	The collector or repeater is secured to a pipe or fence railing (from 2 to 3.5 inches in diameter). This type of installation typically occurs on the tops of water towers.

See Itron CCU 100 and Repeater 100 Installation Guide

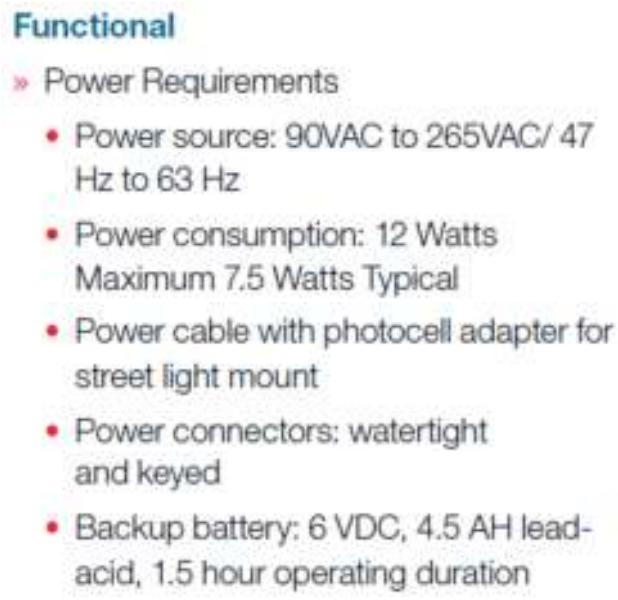


See Itron CCU 100 and Repeater 100 Installation Guide

Collectors operate on a 120/240 auto-sensing volt service and are equipped with a backup battery. In the event of an outage, the collector sends an alarm to the Itron Fixed Network Software with information describing various events, including power loss, restoration, and low-battery conditions.

» Solar-powered configurations for locations where hard-wired power is not readily available

See Itron CCU 100 Product Brochure



Functional

» Power Requirements

- Power source: 90VAC to 265VAC/ 47 Hz to 63 Hz
- Power consumption: 12 Watts Maximum 7.5 Watts Typical
- Power cable with photocell adapter for street light mount
- Power connectors: watertight and keyed
- Backup battery: 6 VDC, 4.5 AH lead-acid, 1.5 hour operating duration

See id.

13. Further the accused Itron CCU meets all the limitations of dependent claim 2 because, *inter alia*, the mounting bracket of the Itron CCU may include first and second portions and it may be configured for mounting it to a streetlight.

14. Further the accused Itron CCU meets all the limitations of dependent claim 3 because the battery compartment is externally configured to be accessible without opening said weather-resistant housing.

15. Further the accused Itron CCU meets all the limitations of dependent claim 6 because, *inter alia*, it includes an antenna coupled to both the wireless router and the access gateway through the antenna connection, allowing both the wireless router and the access gateway to use the antenna.

16. Upon information and belief, in manufacturing the accused Itron

CCU, Itron performs (or causes it to be performed on its behalf and at its direction and control) all of the steps of the method for manufacture recited Claim 8.

17. More specifically, upon information and belief, the manufacture of the accused Itron CCU includes at least the following steps (1) forming a weather-resistant housing having a battery compartment, (2) placing at least one electronic module within the housing; (3) coupling an antenna to the housing; (4) providing a mounting bracket that is coupled to the housing and configured for mounting the housing to a fixture; and (5) coupling an electrical harness to the housing and that is configured to couple at least one electronic module to a source of electric power, that is associated with the fixture.

18. Further, the accused Itron CCU meets all the limitations of dependent claim 9 because, *inter alia*, it includes a weather-resistant housing including a first and a second shell and, on information and belief, a gasket in between.

19. Further the accused Itron CCU meets all the limitations of dependent claim 10 because, *inter alia*, the battery compartment is externally configured to be accessible without opening said weather-resistant housing.

20. Further, the accused Itron CCU meets all the limitations of dependent claim 11 because, *inter alia*, the mounting bracket of the CCU 100 may include first and second portions and it may be configured for mounting it to a streetlight.

21. Further, the accused Itron CCU meets all the limitations of dependent claim 13 because, *inter alia*, because it includes at least one electronic module that is either an access gateway or a wireless router.

22. Weatherproof Wireless is entitled to recover from Defendant the damages sustained by Weatherproof Wireless as a result of Defendant's infringement of the '876 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

23. Upon information and belief, Defendant began to sell the Itron CCU in 2013, if not earlier.

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Weatherproof Wireless requests that this Court enter judgment against Defendant as follows:

A. An adjudication that Defendant has infringed the '876 patent;

B. An award of damages to be paid by Defendant adequate to compensate Weatherproof Wireless for Defendant's past infringement of the '876

patent through the earlier of the date of judgment or the expiration of the '876 patent, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. An injunction precluding Defendant's further infringement of the '876 patent;

D. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Weatherproof Wireless's reasonable attorneys' fees; and

E. An award to Weatherproof Wireless of such further relief at law or in equity as the Court decides is just and proper.

Respectfully submitted, this 5th day of October, 2017.

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