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

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TENAHA LICENSING LLC, §  
Plaintiff, § Case No.: \_\_\_\_\_  
vs. §  
PROTECT AMERICA, INC., § **COMPLAINT**  
Defendant. § **INJUNCTIVE RELIEF DEMANDED**  
§ **JURY TRIAL DEMANDED**  
§  
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Plaintiff, TENAHA LICENSING LLC, sues Defendant, PROTECT AMERICA, INC., and alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for infringement of United States Patent No. 8,238,869 under the Patent Act, 35 U.S.C. § 271, *et seq.*, based on Defendant’s unauthorized commercial manufacture, use, importation, offer for sale, and sale of infringing products and services in the United States.

**PARTIES**

2. Plaintiff, TENAHA LICENSING LLC, is a foreign limited liability company, organized under the laws of the State of Texas.

3. Defendant, PROTECT AMERICA, INC., is a domestic corporation with its headquarters located in Austin, Texas. Defendant uses, sells, and/or offers to sell products and services in interstate commerce that infringe the ‘869 Patent. Defendant may be served through

1 its agent for service of process, Corporation Service Company d/b/a CSC-Lawyers Incorporating  
2 Service Company, 211 E. 7<sup>th</sup> St., Suite 620, Austin, Texas 78701.

3 **SUBJECT MATTER JURISDICTION**

4 4. This court has original jurisdiction over the subject matter of this action, pursuant  
5 to 28 U.S.C. §§ 1331 and 1338(a), because this action involves a federal question relating to  
6 patents.

7 **PERSONAL JURISDICTION**

8 5. The court has general *in personam* jurisdiction over Defendant because Defendant  
9 is a citizen of the State of Texas and is found in this state.

10 **VENUE**

11 6. Venue is proper in this court, pursuant to 28 U.S.C. § 1400(b), because Defendant  
12 resides in the State of Texas.

13 **COUNT I**  
14 **PATENT INFRINGEMENT**

15 7. Plaintiff repeats and re-alleges paragraphs 2 through 6 by reference, as if fully set  
16 forth herein.

17 8. On August 7, 2012, the United States Patent & Trademark Office (USPTO) duly  
18 and legally issued the '869 Patent, entitled "Lifesaver Personal Alert And Notification Device."  
19 A true and authentic copy of the '869 Patent is attached hereto as **Exhibit "A"** and incorporated  
20 herein by reference.

21 9. The '869 Patent teaches systems and methods of alert and notification  
22 transmission wherein low-range transceivers provide an alert/notification to a plurality of users  
23 having a wearable transceiver.

24 10. The '869 is directed to systems, devices, and methods of transmitting in a wide  
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1 area notification zone a plurality of notifications to a plurality of users in an automated,  
2 independent, and localized manner. A trigger device (*i.e.*, siren towers, tone alert radios,  
3 telephones, pagers, computers, televisions) detects and receives a signal from a wide area  
4 notification device, and is configured to activate a low-range transceiver within the wide area  
5 notification zone. The low-range transceiver sends a notification to a plurality of users via  
6 wearable transceivers.

7  
8 11. The '869 Patent claims, among other things, a notification apparatus for use in  
9 connection with a wide area notification device, a method of providing a notification system, and  
10 a method of providing emergency and non-emergency event notification to a plurality of users.

11 12. The claimed embodiments in the '869 Patent provides new solutions to problems  
12 related to systems and methods to provide alert notifications to members of the general public.

13 13. The '869 Patent solves a problem with the art that is rooted in computer  
14 technology that uses alert notifications to members of the general public. The '869 Patent does  
15 not merely recite the performance of some business practice known from the pre-Internet world  
16 along with the requirement to perform it on the Internet.

17 14. Plaintiff is the assignee of the entire right, title, and interest in the '869 Patent,  
18 including the right to assert causes of action arising under the '869 Patent.

19 15. Upon information and belief, Defendant has and continues to directly infringe,  
20 contributorily infringe, or actively induce the infringement of the '869 Patent by making, using  
21 (including by at least internally testing the Accused Product), selling, offering for sale, importing  
22 in the United States, including this judicial district, a method of providing emergency and non-  
23 emergency event notification to a plurality of users, which embodies or uses the invention  
24 claimed in the '869 Patent (the "Accused Products"), all in violation of 35 U.S.C. § 271.  
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1           26.     Upon information and belief, Defendant has known of the existence of the ‘869  
2 Patent, and its acts of infringement have been willful and in disregard for the ‘869 Patent,  
3 without any reasonable basis for believing that it had a right to engage in the infringing conduct.

4           27.     Defendant’s acts of infringement of the ‘869 Patent have caused and will continue  
5 to cause Plaintiff damages for which Plaintiff is entitled to compensation pursuant to 35 U.S.C. §  
6 284.

7           28.     Defendant’s acts of infringement of the ‘869 Patent have caused and will continue  
8 to cause Plaintiff immediate and irreparable harm unless such infringing activities are also  
9 enjoined by this court pursuant to 35 U.S.C. § 283. Plaintiff has no adequate remedy at law.

10           29.     Upon information and belief, the ‘869 Patent, at all times material, was and is in  
11 compliance with 35 U.S.C. § 287.

12           30.     Plaintiff retained counsel to represent its interests in this action, and is obligated  
13 to pay such counsel reasonable attorneys’ fees for its services. Plaintiff may recover its attorneys’  
14 fees and costs from Defendant, pursuant to 35 U.S.C. § 285, because this case is exceptional.

15           **WHEREFORE**, Plaintiff, TENAHA LICENSING LLC, demands judgment against  
16 Defendant, PROTECT AMERICA, INC., and respectfully seeks the entry of an order (i)  
17 adjudging that Defendant has infringed the ‘869 Patent, in violation of 35 U.S.C. § 271; (ii)  
18 granting an injunction enjoining Defendant, its employees, agents, officers, directors, attorneys,  
19 successors, affiliates, subsidiaries and assigns, and all of those in active concert and participation  
20 with any of the foregoing persons or entities from infringing, contributing to the infringement of,  
21 or inducing infringement of the ‘869 Patent; (iii) ordering Defendant to account and pay damages  
22 adequate to compensate Plaintiff for Defendant’s infringement of the ‘869 Patent, with pre-  
23 judgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284; (iv) ordering that  
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1 the damages award be increased up to three times the actual amount assessed, pursuant to 35  
2 U.S.C. § 284; (v) declaring this case exceptional and awarding Plaintiff its reasonable attorneys'  
3 fees, pursuant to 35 U.S.C. § 285; and, (vi) awarding such other and further relief as this court  
4 deems just and proper.

5  
6 **DATED** on November 6, 2017

7 Respectfully submitted,

8 /s/ Clint V. Cox

9 Clint V. Cox

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