| | Case 3:17-cv-02412-BTM-AGS Document 1 F | Filed 11/30/17 | PageID.1 | Page 1 of 104 |
|---|--|-------------------|----------|---------------------|
| 1 2 3 4 5 6 7 7 8 | William F. Lee (<i>pro hac vice</i> forthcoming) William.Lee@wilmerhale.com (Mass. Bar No. 291960) Felicia H. Ellsworth (<i>pro hac vice</i> forthcomir Felicia.Ellsworth@wilmerhale.com (Mass. Bar No. 665232) Wilmer Cutler Pickering Hale and Dorr LLP 60 State Street Boston, MA 02109 Telephone: +1 617 526 6000 Facsimile: +1 617 526 5000 | | | |
| 9 0 1 2 3 4 5 | David C. Marcus (SBN 158704) David.Marcus@wilmerhale.com James M. Dowd (SBN 259578) James.Dowd@wilmerhale.com Wilmer Cutler Pickering Hale and Dorr LLP 350 South Grand Avenue, Suite 2100 Los Angeles, CA 90071 Telephone: +1 213 443 5300 Facsimile: +1 213 443 5400 Attorneys for Plaintiff | | | |
| 5 | Attorneys for Plaintiff THE CHAMBERLAIN GROUP, INC. | | | |
| 8 | UNITED STATES DIS | STRICT COU | RT | |
| 9 | SOUTHERN DISTRICT OF CALIFORNIA | | | |
|) | THE CHAMBERLAIN GROUP, INC., | 7 | | |
| l | Plaintiff, | Case No.: _ | 17CV2412 | BTM AGS |
| 2 3 4 | vs. NORTEK SECURITY & CONTROL LLC, f/k/a LINEAR LLC | COMPLA INFRING | EMENT | PATENT RY TRIAL] |
| 5 6 | Defendant. | | | |
| 7 8 | 1 | | | |
| | COMPLAINT FOR PATEN | IT INFRINGE | EMENT | |

COMPLAINT

Plaintiff, The Chamberlain Group, Inc., ("CGI") for its Complaint against Nortek Security & Control LLC ("NSC"), alleges as follows:

THE PARTIES

1. Plaintiff CGI is a Connecticut Corporation with a principal place of business at 300 Windsor Drive, Oak Brook, Illinois 60523.

2. On information and belief, Defendant Nortek Security & Control LLC, formerly known as Linear LLC, is a California Corporation with a principal place of business at 1950 Camino Vida Roble, Carlsbad, CA 92008.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

1

2

3

4

5

6

7

8

9

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 271 et seq.

4. This Court has personal jurisdiction over Defendant because Defendant is a California Corporation with its principal place of business in Carlsbad, California.

5. On information and belief, Defendant offers to sell, sells, and distributes within this District the Accused Products discussed below, each of which infringes the Asserted Patents (as defined below).

6. On information and belief, Defendant NSC operates out of its headquarters located at 1950 Camino Vida Roble, Carlsbad, CA 92008.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b). Defendant is incorporated in California, has a regular and established place of business in Carlsbad, California, and has committed acts of infringement in this District.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

BACKGROUND AND PATENTS-IN-SUIT

8. CGI is a century-old, global leader in designing and delivering innovative access control devices for both residential and commercial applications. CGI's products protect the majority of garages in America, and thus protect the largest entrance to millions of American homes. CGI is trusted by homeowners and businesses alike to combine the convenience of cutting-edge technology with a commitment to safety and reliability. Some of its best-known offerings include the globally-recognized Chamberlain®, LiftMaster®, Merlin®, and Grifco® brands.

9. CGI has long been at the forefront of developing new technologies in the access control device market. For instance, as early as 2003—years before the era of smartphones and apps we use today—CGI was the first company to invent technology allowing consumers to safely and securely control various entryways to their homes or businesses remotely over a wireless network. Building on these innovations, CGI's pioneering and award-winning technology was the first to empower consumers to view, monitor, open, and close their garage doors when away from home—providing a degree of both convenience and peace of mind not offered by any competitor.

10. CGI's status as an industry-leader in technological development is further reflected in the many patents granted to the company by the United States Patent and Trademark Office. CGI has been granted approximately 435 patents throughout its history and currently holds approximately 250 active patents covering various technologies. These cover CGI's MyQ® remote access technology as well as Chamberlain® and LiftMaster® products.

11. CGI's past and future success as a company rests in its ability to
continuously bring new innovations to market in residential garage door openers,
commercial door openers, and gate entry systems, and in protecting those
innovations, including the innovations claimed in United States Patent Nos.

8,587,404 ("the '404 patent"); 7,755,223 ("the '223 patent"); and 6,741,052 ("the '052 patent") (collectively, "the Asserted Patents").

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

12. CGI is the owner by assignment of each of the Asserted Patents.

13. Each of the Asserted Patents generally relates to different aspects of access control devices and each contributes to CGI's reputation as the industry leader in access control technology. The Asserted Patents help to protect CGI's significant investment to design and develop innovative solutions for its customers and consumers.

14. The '404 patent, entitled "Movable Barrier Operator and Transmitter with Imminent Barrier Moving Notification," was duly and legally issued on November 19, 2013 to inventor Edward T. Laird. CGI owns the '404 patent by assignment. A true and accurate copy of the '404 patent is attached as **Exhibit 1**.

15. The invention of the '404 patent is directed in general to improving the safe operation of a movable barrier such as a garage door. Garage doors and other movable barriers can be large, heavy, and if not monitored by a user when activated could harm an unaware bystander. This situation can occur when operated wirelessly from a remote location. The '404 patent claims both systems and apparatus for providing safety warning notifications when operated in this circumstance without the annoyance of warning when operated locally.

16. Claim 11 of the '404 patent, reproduced below, is representative:A movable barrier system with a moving-barrier imminent motion notification, the system comprising:

a movable [barrier] operator connected to control movement of a movable barrier between a first position and a second position;

the movable barrier operator comprising:

a communication connection comprising at least one of the group consisting of: a direct wireless connection to a transmitter, a local wired connection, a system wired connection, a network connection, and a wireless communication system connection; and

| | Case 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.5 Page 5 of 104 |
|--------|--|
| 1 | a processor configured to determine whether a received command for a closing the movable barrier was received from at least one of the system |
| 2 | wired connection, the network connection, and the wireless communication system connection; |
| 3 | the processor configured to effect the closing of the movable barrier in |
| 4 | combination with operating a moving barrier imminent motion notification in response to determining that the received command for the |
| 5 | closing was received from at least one of the system wired connection, the network connection, and the wireless communication system connection; |
| 6 7 | |
| 8 | the processor configured to determine whether the received command for the closing was received from at least one of the direct wireless connection to the transmitter and the local wired connection; |
| 9 | the processor configured to effect the closing of the movable barrier without operating the moving-barrier imminent motion notification in response to |
| 10 | determining that the received command for the closing was received from at least one of the direct wireless connection to the transmitter and the |
| 11 | local wired connection. |
| 12 | 17. The '223 patent, entitled "Movable Barrier Operator with Energy |
| 13 | Management Control and Corresponding Method," was duly and legally issued on |
| 14 | July 13, 2010 to inventor James J. Fitzgibbon. CGI owns the '223 patent by |
| 15 | assignment. A true and accurate copy of the '223 patent is attached as Exhibit 2 . |
| 16 | 18. The invention of the '223 patent is directed in general to an energy- |
| 17 | efficient movable barrier system. Conventional movable barrier operators, such as |
| 18 | garage door openers, were generally designed to provide full power to all elements |
| 19 | of the system at all times. For systems that include features like obstacle detectors, |
| 20 | however, keeping the entire system fully powered at all times can be energy- |
| 21 | inefficient, as the obstacle-sensing beam does not need to be fully powered when, |
| 22 | for example, the garage door is closed. Among other benefits, the inventive |
| 23 | apparatus helps reduce energy consumption by providing full power to features |
| 24 | like the obstacle detector when they are needed, but switching them into a low- |
| 25 | power standby mode when they are not. |
| 26 | 19. Claim 1 of the '223 patent, reproduced below, is representative: |
| 27 | A movable barrier operator apparatus comprising: |
| 28 | |

| 18 detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the other energy usage. 19 20. The '052 patent, entitled, "Post-Automatically Determined User- 20 Modifiable Activity Performance Limit Apparatus and Method," was duly and 21 legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the 23 '052 patent by assignment. A true and accurate copy of the '052 patent is attached 24 21. The '052 patent is generally directed to systems and methods of 25 automatically determining a safe and effective force threshold for operation of a 26 6 | | Case 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.6 Page 6 of 104 |
|--|----|---|
| an obstacle detector; and a movable barrier operator which includes a controller, the movable barrier operator operator operator use in the power supply, receives operating power from the power supply and has at least a first and second mode of energy consumption operation and being further configured and arranged to: selectively open and close a corresponding movable barrier; and develop an obstacle detector operating mode control signal from the controller as a function of movable barrier is open or closed, the obstacle detector operating mode control signal from the control the energy usage of the obstacle detector, the control signal from the control if end from a group consisting of motor state information, transmission state information, voltage state information, switch state information and combinations thereof, the obstacle detector operator synaphy and to the movable barrier operator synaphy and has a plurality of operating modes, wherein at least some of the operating modes have different energy usages, and wherein the obstacle detector operating modes control signal stome that: during the first mode of energy consumption operation, the obstacle detector operating mode control signal such that: during the first mode of energy usages; and during the second mode of energy usage, wherein the opwertaing power used in one of the energy usage. 20 11 21 22 23 34 35 36 36 37 38 | | |
| 4 a movable barrier operator which includes a controller, the movable barrier operator poreably coupled to the power supply, receives operating power from the power supply and has at least a first and second mode of energy consumption operation and being further configured and arranged to: 6 selectively open and close a corresponding movable barrier; and 7 develop an obstacle detector operating mode control signal from the controller as a function of movable barrier is open or closed, the obstacle detector operating mode control signal being operable to directly control the energy usage of the obstacle detector, the control signal from the controller developed as a result of the state information, the state information selected from a group consisting of motor state information, time information, state information and combinations thereof, 11 the obstacle detector operably coupled to the power supply and to the movable barrier operator operating modes control signal state. 13 the obstacle detector operably coupled to the movable barrier operator obstacle detector operating modes, wherein at least some of the operating mode control signal such that: 14 during the first mode of energy consumption operation, the obstacle detector operating mode control signal such that: 15 during the second mode of energy usage; and 16 during the second mode of energy usage; is less than the power used by the other energy usage. 17 during the second mode of energy usage; is less than the power used by the other energy usage. 18 0. The '052 patent, entit | | an obstacle detector; and |
| 5 consumption operation and being further configured and arranged to: 6 selectively open and close a corresponding movable barrier; and 7 develop an obstacle detector operating mode control signal from the controller as a function of movable barrier operator system state 8 information that indicates whether the barrier is open or closed, the obstacle detector operating mode control signal being operable to directly control the energy usage of the obstacle detector, the control signal from the controller developed as a result of the state information, the state information, transmission state information, voltage state 11 information, switch state information and combinations thereof, 12 the obstacle detector operator group consisting of motor state information, time information, transmission state information, woltage state 13 information, switch state information and combinations thereof, 14 bastacle detector operator, receives operating power from the power supply, and has a plurality of operating modes, wherein at least some of the operating mode shave different energy usages, and wherein the obstacle detector operating mode control signal such that: 15 during the first mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the other energy usage. 17 during the second mode of energy consumption operation, the obstacle detector operates using a second energy usages is less than the power used by the | | a movable barrier operator which includes a controller, the movable barrier operator operably coupled to the power supply, receives operating power from the review operation of the set least a first and accord mode of another |
| 7 develop an obstacle detector operating mode control signal from the controller as a function of movable barrier operator system state information that indicates whether the barrier is open or closed, the obstacle detector operating mode control signal being operable to directly control the energy usage of the obstacle detector, the control signal from the controller developed as a result of the state information, the state information, switch state information and combinations thereof, 11 the obstacle detector operating mode control signal from the control the energy usage of the obstacle detector, the control signal from the control the energy usage of the obstacle detector, the control signal from the control the energy usages, and wherein the information, switch state information and combinations thereof, 12 the obstacle detector operating modes, wherein at least some of the operating modes have different energy usages, and wherein the obstacle detector is directly responsive to the movable barrier operator obstacle detector operating mode control signal such that: 13 during the first mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usage, wherein the operating power used in one of the energy usage. 14 during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usage. 18 during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating mode of the operating mode as a second energy usage. 19 20 | 5 | consumption operation and being further configured and arranged to: |
| 8 information that indicates whether the barrier is open or closed, the obstacle detector operating mode control signal being operable to directly control the energy usage of the obstacle detector, the control signal from the controller developed as a result of the state information, the state information, text and a group consisting of motor state information, time information, transmission state information, voltage state information, switch state information and combinations thereof, 12 the obstacle detector operating y coupled to the power supply and to the movable barrier operator, receives operating power from the power supply, and has a plurality of operating modes, wherein at least some of the operating modes have different energy usages, and wherein the obstacle detector is directly responsive to the movable barrier operator obstacle detector operating mode control signal such that: 15 during the first mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the other energy usage. 10 uring the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usage. 11 during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usage. 12 20. The '052 patent, entitled, "Post-Automatically Determined User- 13 wodifiable Activity Performance Limit Apparatus and Method," was duly and 14 legally | 6 | selectively open and close a corresponding movable barrier; and |
| 8 information that indicates whether the barrier is open or closed, the obstacle detector operating mode control signal being operable to directly control the energy usage of the obstacle detector, the control signal from the controller developed as a result of the state information, the state information, the state information, worked the control signal from the control signal state information, voltage state information, switch state information and combinations thereof, 12 the obstacle detector operating power from the power supply and to the movable barrier operator, receives operating power from the power supply, and has a plurality of operating modes, wherein at least some of the operating modes have different energy usages, and wherein the obstacle detector is directly responsive to the movable barrier operator obstacle detector operating mode control signal such that: 16 during the first mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usage. 17 during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usage. 20 The '052 patent, entitled, "Post-Automatically Determined User- 21 Modifiable Activity Performance Limit Apparatus and Method," was duly and 22 easthibit 3. 23 as Exhibit 3. 24 of 25 patent is generally directed to systems and methods of 25 automatically determining a safe and effective force threshold fo | 7 | develop an obstacle detector operating mode control signal from the controller as a function of movable barrier operator system state |
| 10 the controller developed as a result of the state information, the state information, transmission state information, voltage state information, switch state information and combinations thereof, 11 the obstacle detector operably coupled to the power supply and to the movable barrier operator, receives operating power from the power supply, and has a plurality of operating modes, wherein at least some of the operating modes have different energy usages, and wherein the obstacle detector operating mode control signal such that: 14 obstacle detector operating mode control signal such that: 15 during the first mode of energy consumption operation, the obstacle detector operates using a first energy usage; and 17 during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the other energy usage. 19 20. The '052 patent, entitled, "Post-Automatically Determined User- 11 woldfiable Activity Performance Limit Apparatus and Method," was duly and 12 legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the 13 21. The '052 patent is generally directed to systems and methods of 14 as Exhibit 3 . 15 21. The '052 patent is generally directed to systems and methods of 14 automatically determining a safe and effective force threshold for operation of a movable barrier system, and permi | | information that indicates whether the barrier is open or closed, the obstacle detector operating mode control signal being operable to directly |
| 11 information, switch state information and combinations thereof, 12 the obstacle detector operably coupled to the power supply and to the movable barrier operator, receives operating power from the power supply, and has a plurality of operating modes, wherein at least some of the operating modes have different energy usages, and wherein the obstacle detector operating mode control signal such that: 14 obstacle detector operating mode control signal such that: 15 during the first mode of energy consumption operation, the obstacle detector operates using a first energy usage; and 17 during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the other energy usage. 20 The '052 patent, entitled, "Post-Automatically Determined User- 21 legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the 23 as Exhibit 3 . 24 21. The '052 patent is generally directed to systems and methods of 25 automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold | _ | the controller developed as a result of the state information, the state |
| movable barrier operator, receives operating power from the power supply, and has a plurality of operating modes, wherein at least some of the operating modes have different energy usages, and wherein the obstacle detector operating mode control signal such that: during the first mode of energy consumption operation, the obstacle detector operates using a first energy usage; and during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the other energy usage. 20. The '052 patent, entitled, "Post-Automatically Determined User-Modifiable Activity Performance Limit Apparatus and Method," was duly and legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the '052 patent by assignment. A true and accurate copy of the '052 patent is attached as Exhibit 3. 21. The '052 patent is generally directed to systems and methods of automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold | | time information, transmission state information, voltage state information, switch state information and combinations thereof, |
| 15 during the first mode of energy consumption operation, the obstacle detector operates using a first energy usage; and 17 during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the other energy usage. 19 20. The '052 patent, entitled, "Post-Automatically Determined User- 10 Modifiable Activity Performance Limit Apparatus and Method," was duly and 12 legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the 1052 patent by assignment. A true and accurate copy of the '052 patent is attached 23 as Exhibit 3. 24 21. The '052 patent is generally directed to systems and methods of 26 automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold | 12 | the obstacle detector operably coupled to the power supply and to the movable barrier operator, receives operating power from the power |
| 15 during the first mode of energy consumption operation, the obstacle detector operates using a first energy usage; and 17 during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the other energy usage. 19 20. The '052 patent, entitled, "Post-Automatically Determined User- 10 Modifiable Activity Performance Limit Apparatus and Method," was duly and 12 legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the 10 '052 patent by assignment. A true and accurate copy of the '052 patent is attached 23 as Exhibit 3 . 24 21. The '052 patent is generally directed to systems and methods of 25 automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold 28 6 | 13 | supply, and has a plurality of operating modes, wherein at least some of the operating modes have different energy usages, and wherein the |
| 16 during the first mode of energy consumption operation, the obstacle detector operates using a first energy usage; and 17 during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the other energy usage. 19 20. The '052 patent, entitled, "Post-Automatically Determined User- 20 Modifiable Activity Performance Limit Apparatus and Method," was duly and 21 legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the 23 as Exhibit 3 . 24 21. The '052 patent is generally directed to systems and methods of 25 automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold 27 6 | | obstacle detector is directly responsive to the movable barrier operator obstacle detector operating mode control signal such that: |
| 18 detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the other energy usage. 19 20. The '052 patent, entitled, "Post-Automatically Determined User- 20 Modifiable Activity Performance Limit Apparatus and Method," was duly and 21 legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the 23 '052 patent by assignment. A true and accurate copy of the '052 patent is attached 24 21. The '052 patent is generally directed to systems and methods of 25 automatically determining a safe and effective force threshold for operation of a 26 6 | | during the first mode of energy consumption operation, the obstacle detector operates using a first energy usage; and |
| 20. The '052 patent, entitled, "Post-Automatically Determined User- Modifiable Activity Performance Limit Apparatus and Method," was duly and legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the '052 patent by assignment. A true and accurate copy of the '052 patent is attached as Exhibit 3 . 21. The '052 patent is generally directed to systems and methods of automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold 28. 6. | 18 | detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the |
| Modifiable Activity Performance Limit Apparatus and Method," was duly and legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the '052 patent by assignment. A true and accurate copy of the '052 patent is attached as Exhibit 3. 21. The '052 patent is generally directed to systems and methods of automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold 6 | | 20. The '052 patent, entitled, "Post-Automatically Determined User- |
| legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the '052 patent by assignment. A true and accurate copy of the '052 patent is attached as Exhibit 3. 21. The '052 patent is generally directed to systems and methods of automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold 6 | | Modifiable Activity Performance Limit Apparatus and Method," was duly and |
| ²³ ²⁴ ²⁵ ²⁶ ²⁷ ²⁷ ²⁸ ⁰⁰⁵² patent by assignment. A true and accurate copy of the '052 patent is attached as Exhibit 3. ^{21.} The '052 patent is generally directed to systems and methods of automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold ²⁶ ²⁷ | | legally issued on May 25, 2004 to inventor James J. Fitzgibbon. CGI owns the |
| as Exhibit 3. 21. The '052 patent is generally directed to systems and methods of automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold 28 | | '052 patent by assignment. A true and accurate copy of the '052 patent is attached |
| 21. The '052 patent is generally directed to systems and methods of automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold 6 | | as Exhibit 3 . |
| automatically determining a safe and effective force threshold for operation of a movable barrier system, and permitting manual adjustment of the force threshold 6 | | 21. The '052 patent is generally directed to systems and methods of |
| 27 28 6 | | automatically determining a safe and effective force threshold for operation of a |
| 6 | | movable barrier system, and permitting manual adjustment of the force threshold |
| | 28 | |
| | | 6 COMPLAINT FOR PATENT INFRINGEMENT |

after the automatic determination. The force used to move a barrier such as a 1 2 garage door must be calibrated to a level appropriate for a given installation, and then re-calibrated over the lifetime of the system to adjust for a variety of factors 3 including friction, wear, age, temperature, maintenance, and temporary or 4 permanent physical impingements. Without recalibration, barrier movement may 5 become unsafe, as the force used to open the barrier could become insufficient to 6 lift it, or the force used to close the barrier could become excessive such that it no 7 longer reverses direction when it encounters an obstacle. The invention of the '052 8 patent automatically determines a safe and effective force threshold, but also 9 10 accommodates manual adjustments over time, which makes the system easier to install and use, more cost-effective, more efficient, and safer. 11 22. Claim 1 of the '052 patent, reproduced below, is representative. 12 An apparatus for use with a movable barrier comprising: 13 at least one motor operably coupleable to the movable barrier; 14 a barrier movement control unit operably coupled to the at least one motor, which barrier movement control unit includes: 15 16 a processor operably coupled to receive information regarding at least some forces acting upon the movable barrier when the movable barrier is moving and being arranged and configured to automatically determine at least one force threshold during a first mode of operation for use by the barrier movement control unit when controlling the motor in a second 17 18 mode of operation; and 19 a user manipulable force threshold modification control having an output that provides force threshold modification information for use by the 20barrier movement control unit when controlling the motor in the second 21 mode of operation. 22 **NSC AND THE PRIOR LITIGATION** 23 Defendant NSC is a competitor of CGI in the United States market for 23. 24 garage door openers, and a repeat infringer of CGI's patents. 25 24. On July 9, 2014, CGI commenced a prior patent infringement action 26 in the Northern District of Illinois against NSC, then-known as Linear LLC. See 27 28 7 COMPLAINT FOR PATENT INFRINGEMENT

The Chamberlain Group, Inc. v. Linear LLC and Nortek Security & Control, LLC, Civil Action No.: 14-cv-5197 (N.D. Ill. 2014) (St. Eve, J.).

25. CGI initiated the suit because NSC's activities infringed one or more claims of five CGI patents not at issue here, United States Patent Nos. 6,998,977; 7,852,212; 8,144,011; 7,876,218; and 7,482,923 (collectively, the "Licensed Patents"). Together, those patents claim inventions for, *inter alia*, monitoring, interacting with, and controlling the operation of a movable barrier (*e.g.*, a garage door, or gate) over a network, including through a smartphone.

26. On July 7, 2015, the District Court denied NSC's Motion to Dismiss the prior complaint and concluded that each of the patents asserted in the prior litigation was directed to patent-eligible subject matter under 35 U.S.C. § 101. *See* No. 14-cv-5197, Dkt. 67 (N.D. Ill. 2014).

27. The parties subsequently negotiated a settlement whereby NSC and its parent, Nortek, Inc. ("Nortek"), took a license to the CGI patents asserted in the prior litigation (the "Agreement").

28. The Agreement was bargained-for by the parties and supported by sufficient consideration. It has remained valid and enforceable since its execution.CGI has fulfilled and performed all obligations under the Agreement to date, including prejudicial dismissal of its otherwise viable infringement suit.

29. In early 2017, however, CGI learned that Nortek had elected to manufacture Smart Wi-Fi Garage Door Openers for Amarr, one of CGI's customers for Smart Wi-Fi Garage Door Openers, including CGI's MyQ® Smart Garage Door products.

30. The products Nortek manufactures for Amarr, specifically the Amarr 860 and Amarr 840, are sold under Amarr's brand and compete with CGI's products, including with CGI's MyQ® Smart Garage Door products, in violation of the Agreement.

31. On May 24, 2017, CGI provided Nortek notice that Nortek's manufacture of the Amarr 860 and Amarr 840 violated the Agreement. CGI asked that Nortek halt manufacturing and delivery of the Amarr 860 and Amarr 840, and reserved all rights with respect to whether NSC was in violation of other CGI intellectual property rights not covered by the Agreement.

32. NSC responded on June 7, 2017 and again on July 28, 2017, but did not contest the elements of its breach. Instead, it raised an improper defense that was itself expressly prohibited by the Agreement.

33. NSC also acknowledged that it was aware of CGI patents beyond the Licensed Patents, and CGI's patent infringement lawsuits against other companies with competing "smart" Wi-Fi garage door systems.

34. On November 22, 2017, CGI filed suit against NSC in the Northern District of Illinois for breach of contract, based on NSC's willful breach of the Agreement. *See The Chamberlain Group, Inc. v. Nortek, Inc., et al.*, No. 17-cv-8505, Dkt. 1 (N.D. Ill. 2017).

35. CGI now files this suit to protect additional intellectual property rights that NSC is violating with its own products, including the Linear LDCO850 and Linear LDCO852 Smart Wi-Fi Garage Door Openers, and the products NSC manufactures for Amarr, including the Amarr 860 and Amarr 840 products and related accessories.

OVERVIEW OF THE INFRINGING PRODUCTS

36. On information and belief, Defendant manufactures, sells, and offers for sale the Linear LDCO850 and Linear LDCO852 Smart Wi-Fi Garage Door Openers under the Linear brand ("the Linear Products").

37. On information and belief, Defendant also manufactures, sells, and offers for sale Smart Wi-Fi Garage Door Openers sold under the brand name

Amarr, including without limitation, the Amarr 860 and Amarr 840 products ("the
 Amarr Products") and related accessories.

38. On information and belief, the Linear Products and the Amarr
Products all have functionally the same logic board, Wi-Fi wall control, and obstacle detector, and are the same in all respects material to the Asserted Patents.
The Linear Products, Amarr Products, and any other NSC product that has the same structure, function, and operation as the Linear Products and/or Amarr
Products are collectively referred to below as the "Accused Products."

39. On information and belief, the Accused Products are long-term equipment that, once installed, is not removed for decades. Given the expected lifetime of the Accused Products, such harm is effectively irreparable.

Linear LDCO850 / LDCO852

40. The following are images of the Linear LDCO850 product and accessories, which show elements of the Accused Products.



tase 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.12 Page 12 of 104

28

The LDCO850 includes the MTR3

narrow-band 3-button remote and the WWS850 multi-function Wi-Fi wall station.



LDC0850 Smart Garage Door Operator

One Operator, Many Applications

Belt drive or chain drive, 7' or 8' T-rail or I-rail

Secure, Responsive Remote Control

Linear remote controls operate over a long range and employ high-security technology.

Easy Door Release

Release the operator's quick-disconnect trolley to open or close the garage door manually.

Self-Diagnostic System

The LDC0850's self-diagnostic system continually checks and confirms proper operation. In the unlikely event of a problem, it pinpoints the trouble and alerts users by flashing the courtesy light.

Options and Accessories

Your Linear PRO Access dealer is the source for everything from additional transmitters (miniature key ring or multi-button visor) to wireless keypads and advanced access systems.



Model LDC0850

DIMENSIONS (with 7' rail)

Installed Length: 124.5" Maximum Door Opening: 7' 6* Maximum Door Height (with optional rails): 8'

Headroom Clearance Required: 1.5"

CARTONS

Carton 1 - Operator Head Contents:

Garage Door Operator Head Integrated battery backup included, 12V. 5.4AH WWS850 Wi-Fi Wall Station (w/ 27' wire) MTB3 Remote Control Obstacle-sensing beams (w/ 35' of wire) Mounting hardware Dimension: 17" x 14.75" x 10" Shipping Weight: 23.7 lbs. Carton 2 - Operator Rail Contents: Pre-assembled, pre-tensioned 7' or 8' T-rail or I-rail, belt drive or chain drive spott[™] Wireless monitoring and control of LDCO850 operator and lighting Utilized via free, downloadable Apple and/or

Android mobile device app Compatible with Amazon Alexa, HomeLink, Google Assistant and/or IFTTT Accommodates up to ten authorized users

© 2017, GTO Access Systems, LLC / All Rights Reserved

800-543-4283 / 3121 Hartsfield Rd., Tallahassee, FL 32303

Wi-Fi connection required

10016787 d

- CONVENIENCE AND SAFETY
- · Obstacle-sensing beams
- Emergency guick release · Auto trolley reconnect
- Ventilation/pet positioning
- Down safety reverse
- Up safety stop
- · Door park on down direction

CODING SYSTEM

- MegaCode® Factory-coded transmitter
- Learning receiver with learn button Keypad codes and individually-removable transmitters
- LED indication of RF activity
- Transmitter buttons, keypad codes: 40
- Frequency: 318 MHz Operating Range (line of sight): 150' (approx.) Operating Temperature: -31°F to 158°F
- Remote Control: MTR3 narrow-band 3-button remote control (1) Batteries: 3V 2032 Lithium (1)
- HomeLink[®] Compatible: Yes

ELECTRICAL SPECIFICATIONS Power

Line Power: 120 VAC 60 Hz Current rating (including lights): 2.5 Amp UL 325 listed and compliant Length of Power Cord (3 prong): 6 foot Logic type: Solid-state microcontroller with built-in surge suppression Battery backup: 12V, 5.4AH

Lighting

UNIT SPECIFICATIONS

LED, 100W equivalent, dimmable Length of light delay: 4.5 min.

MECHANICAL SPECIFICATIONS Motor Power: 800 Newtons RPM: 100 Lubrication: Permanent

Drive Mechanism

Drive Means: Full #410 roller chain or steelreinforced drive belt Reduction means: Motor integrated worm/

helical gear reduction, 30:1 ratio Door Linkage: Adjustable door arm

Adjustments

Force: Electronic auto setting, auto adjusting, with optional manual modification Limit: Electronic, internal

Travel Rate Approx. 7" per second

Materials Chassis: Electrogalvanized Steel

Bail: Electrogalvanized Steel Trolley: Lubrication-free Delrin®

WARRANTY Motor: Lifetime Belt: Lifetime Chain: 5 year Mechanical: 5 year Electronic: 1 year





See https://www.linearproaccess.com/wp-content/uploads/LDCO850-LDCO852-spott.pdf.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

41. The following are images of the LDCO852 product and accessories, which show elements of the Accused Products.

Smart Garage Door Operator LDC0852 Wi-Fi Connectivity Quiet Power Linear spott mart Just Got Smarte spott[™] allows control and monitoring of the LDC0852 garage door operator via mobile device with the Linear PRO Access app spott^{**} offers up to ten authorized users passive/ Ultra-Quiet, Efficient Design, Smart hands-free opening and closing of the LDC0852 Wi-Fi connectivity with spott[™] and the Linear PRO Access mobile app garage door Ultra-smooth, quiet performance, thanks to variable speed operation · Free app can be used with Dual, dimmable LED light panels, 200W equivalent, energy efficient most smartphones and tablets Integrated battery backup included for peace of mind Self-diagnostic system continually checks for proper operation Compatible with Amazon Alexa, Google Assistant, IFTTT and HomeLink American engineering and quality assurance Works with HomeLink. orks with the oogle Assista amazon alexa IFTTT 13 COMPLAINT FOR PATENT INFRINGEMENT

tase 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.14 Page 14 of 104

LDCO852 Smart Garage Door Operator

One Operator, Many Applications Belt drive or chain drive, 7' or 8' T-rail or I-rail

Secure, Responsive Remote Control narrow-band 3-button remote and Linear remote controls operate over a long range and employ high-security technology. the LPWWS multi-function Wi-Fi **Easy Door Release** wall station. Release the operator's quick-disconnect trolley to open or close the garage door manually. Self-Diagnostic System Linea The LDC0852's self-diagnostic system continually checks and confirms proper operation. In the unlikely event of a problem, it pinpoints the trouble and alerts users by flashing the courtesy lights. **Options and Accessories** Your Linear PRO Access dealer is the source for everything from additional transmitters (miniature key ring or multi-button visor) to wireless keypads and advanced access systems.

The LDC0852 includes the MTR3

Model LDC0852

DIMENSIONS (with 7' rail)

Installed Length: 124.5"

UNIT SPECIFICATIONS

Maximum Door Opening: 7' 6* Maximum Door Height (with optional rails): 8' Headroom Clearance Required: 1.5" CARTONS Carton 1 - Operator Head Contents: Garage Door Operator Head Integrated battery backup included, 12V. 5.4AH LPWWS Wi-Fi Wall Station (w/ 27' wire) MTR3 Remote Control Obstacle-sensing beams (w/ 35' of wire) Mounting hardware Dimension: 12.3" x 12" x 6.1" Shipping Weight: 20 lbs Carton 2 - Operator Rail Contents: Pre-assembled, pre-tensioned 7' or 8' T-rail or I-rail, belt drive or chain drive spott[™] Wireless monitoring and control of Power LDCO852 operator and lighting Utilized via free, downloadable Apple and/or Android mobile device app Compatible with Amazon Alexa, IFTTT, HomeLink and/or Google Home Accommodates up to ten authorized users WI-Fi connection required

© 2017, GTO Access Systems, LLC / All Rights Reserved 800-543-4283 / 3121 Hartsfield Rd., Tallahassee, FL 32303

10016788_c

CONVENIENCE AND SAFETY

- Obstacle-sensing beams Emergency quick release
- Auto trolley reconnect
- Ventilation/pet positioning
- Down safety reverse Up safety stop
- · Door park on down direction
- CODING SYSTEM

MegaCode⁴

- · Factory-coded transmitter Learning receiver with learn button
- · Keypad codes and individually-removable transmitters
- LED indication of RF activity Transmitter buttons, keypad codes: 40
- Frequency: 318 MHz Operating Range (line of sight): 150' (approx.) Operating Temperature: -31°F to 158°F Remote Control: MTR3 narrow-band 3-button remote control (1) Batteries: 3V 2032 Lithium (1)
- HomeLink[®] Compatible: Yes

ELECTRICAL SPECIFICATIONS

Line Power: 120 VAC 60 Hz Current rating (including lights): 2.5 Amp UL 325 listed and compliant Length of Power Cord (3 prong): 6 foot Logic type: Solid-state microcontroller with built-in surge suppression Battery backup: 12V, 5.4AH

Lighting LED, 200W equivalent, dimmable Length of light delay: 4.5 min.

MECHANICAL SPECIFICATIONS Motor

Power: 800 Newtons RPM: 100

Lubrication: Permanent

Drive Mechanism Drive Means: Full #410 roller chain or steelreinforced drive belt

Reduction means: Motor integrated worm/ helical gear reduction, 30:1 ratio Door Linkage: Adjustable door arm

Adjustments

Force: Electronic auto setting, auto adjusting, with optional manual modification Limit: Electronic, internal

Travel Rate

Approx. 7" per second Materials

Chassis: Electrogalvanized Steel Rail: Electrogalvanized Steel Trolley: Lubrication-free Delrin®

WARBANTY Motor: Lifetime Belt: Lifetime Chain: 5 year Mechanical: 5 year Electronic: 1 year



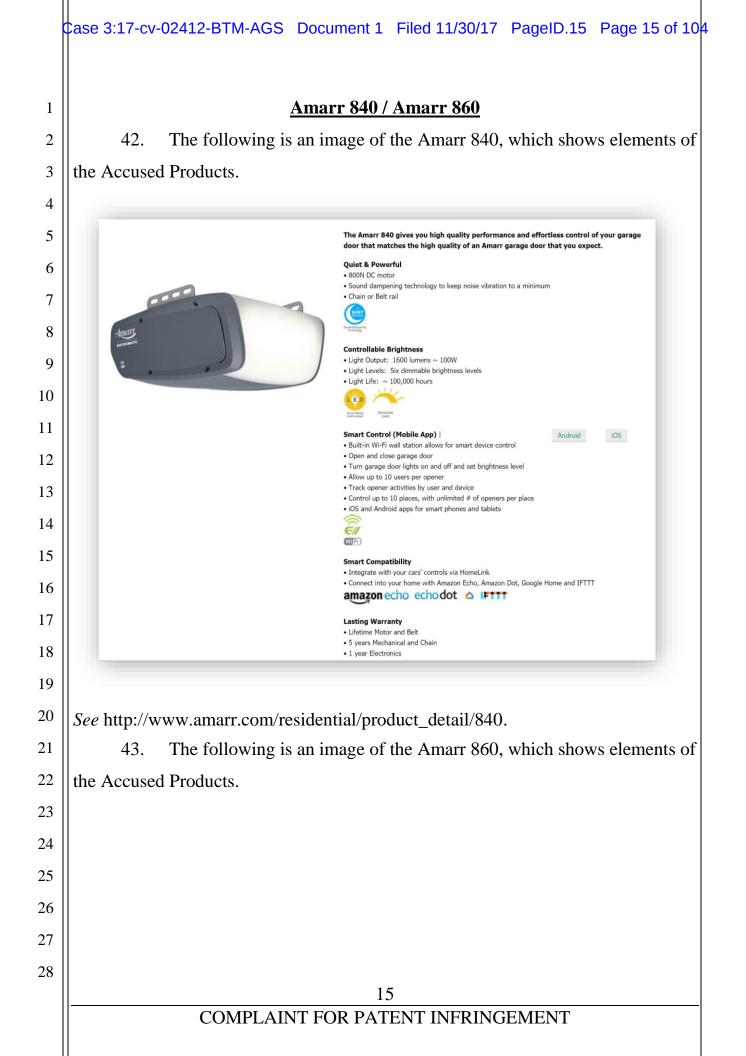


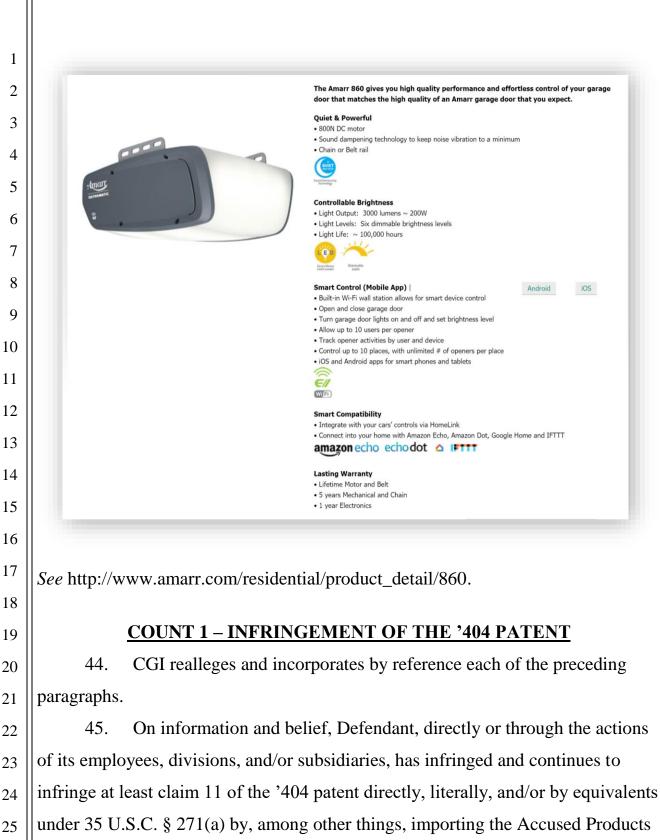
See https://www.linearproaccess.com/wp-content/uploads/LDCO850-LDCO852spott.pdf.

28

27

14





and making, using, offering for sale, and selling the Accused Products in the United States.

26

27

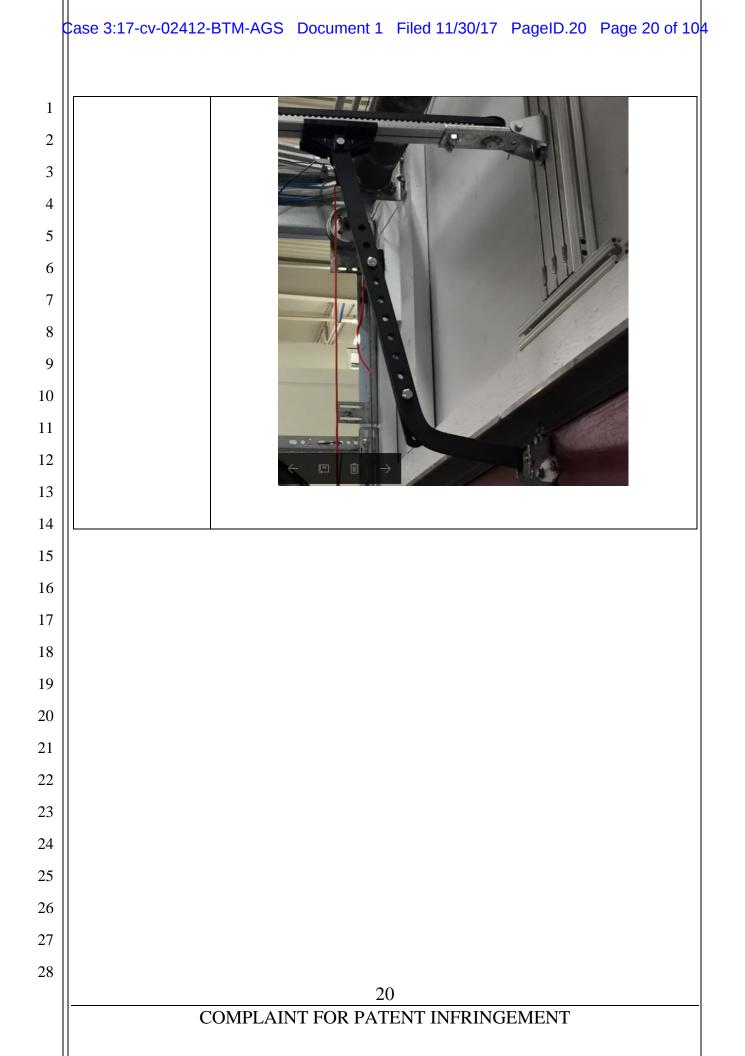
| 1 | 46. The Accused Products comprise a movable barrier system with a |
|----------------------|--|
| 2 | moving-barrier imminent motion notification, as recited in the claims of the '404 |
| 3 | patent. For instance, claim 11 of the '404 patent recites: |
| 4 | A movable barrier system with a moving-barrier imminent motion notification, the system comprising: |
| 5 6 | a movable [barrier] operator connected to control movement of a movable barrier between a first position and a second position; |
| 7 | the movable barrier operator comprising: |
| 8 9 | a communication connection comprising at least one of the group consisting of: a direct wireless connection to a transmitter, a local wired connection, a system wired connection, a network connection, and a wireless communication system connection; and |
| 10 11 12 | a processor configured to determine whether a received command for a closing the movable barrier was received from at least one of the system wired connection, the network connection, and the wireless communication system connection; |
| 13 14 15 | the processor configured to effect the closing of the movable barrier in combination with operating a moving barrier imminent motion notification in response to determining that the received command for the closing was received from at least one of the system wired connection, the network connection, and the wireless communication system connection; |
| 16 17 | the processor configured to determine whether the received command for the closing was received from at least one of the direct wireless connection to the transmitter and the local wired connection; |
| 18 19 20 21 | the processor configured to effect the closing of the movable barrier without operating the moving-barrier imminent motion notification in response to determining that the received command for the closing was received from at least one of the direct wireless connection to the transmitter and the local wired connection. |
| 22 | 47. The following tables provide a representative example charting how |
| 23 | the LDCO850, which is representative of the Accused Products, practices each and |
| 24 | every limitation of representative claim 11 of the '404 patent. This demonstration |
| 25 | of infringement is offered by way of example only and without limitation to CGI's |
| 26 | ability to demonstrate Defendant's direct or indirect infringement of additional |
| 27 | |
| 28 | 17 |
| | COMPLAINT FOR PATENT INFRINGEMENT |

'404 patent claims, including by making, using, selling, offering for sale, or
 importing additional products or inducing or contributing to such acts.

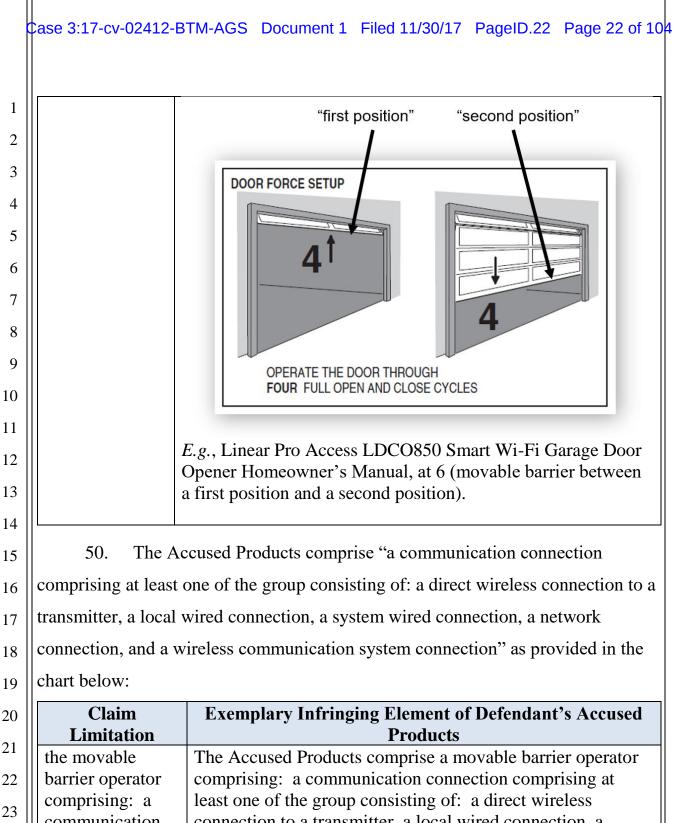
48. The Accused Products are "movable barrier system[s] with a movingbarrier imminent motion notification" as provided in the chart below:

| 4 | barrier imminent moti | on notification" as provided in the chart below: |
|----|-------------------------------------|---|
| 5 | Claim Limitation | Exemplary Infringing Element of Defendant's Accused Products |
| 6 | 1. A movable | The Accused Products are movable barrier systems with a |
| 7 | barrier system with | moving barrier imminent motion notification. |
| 8 | a moving-barrier imminent motion | |
| 9 | notification, the | |
| 10 | system comprising: | Installer's Contact Information: |
| 11 | | LDC0850 Smart Wi-Fi Garage Door Opener DC motor with LED lighting and belt- or chain-drive rail |
| 12 | | Homeowner's Manual |
| 13 | | Linear |
| 14 | | |
| 15 | | A WARNING To reduce the risk of injury to persons – Use this |
| 16 | | opener only with sectional residential overhead doors. Do not use on one piece or swing doors. Please read this manual and included safety information carefully. |
| 17 | | After the opener is installed and working properly, use your smart phone to download, and activate the Linear PRO Access Smart Control app (page 10). |
| 18 | | Important Safety Information page 1 Using the Garage Door Operator |
| 19 | | Manual Disconnect |
| 20 | | Safety Reversal System Test |
| 21 | | setting Up the Wall Stationpage 9 Maintenance |
| 22 | | LISTED Copyright@ 2017 GTO Access Systems, LLC Printed in China for GTO Access Systems, LLC Document Number: 10014641 REV-D (07-11-17) |
| 23 | | |
| 24 | | E.g., Linear Pro Access LDCO850 Smart Wi-Fi Garage |
| 25 | | Door Opener Homeowner's Manual, at cover ("Smart Wi- Fi Garage Door Opener"). |
| 26 | | i i Guiuge Door opener). |
| 27 | | |
| 28 | | |
| 20 | | 18 |
| | COM | IPLAINT FOR PATENT INFRINGEMENT |
| | | |

| | BTM-AGS Document 1 Filed 11/30/17 PageID.19 Page 19 of |
|--|--|
| | |
| | |
| | <i>E.g.</i> , Linear Pro Access LDCO850 Smart Wi-Fi Garage Door Opener Homeowner's Manual, at 2 (Exemplary imminent motion notification). |
| | When operated with a remote signal, such as a Wi-Fi signal, the Linear Pro Access LDCO 850 provides moving-barrier imminent motion notification such as flashing lights and audible beeps. |
| connected to contr | Accused Products comprise "a movable [barrier] operator fol movement of a movable barrier between a first position and as provided in the chart below: |
| Claim Limitation | Exemplary Infringing Element of Defendant's Accused Products |
| a movable [barrier] operator connected to control movement of a movable barrier between a first position and a second position; | The Accused Products comprise a movable [barrier] operator connected to control movement of a movable barrier between a first position and a second position: |
| | |
| | 19 |

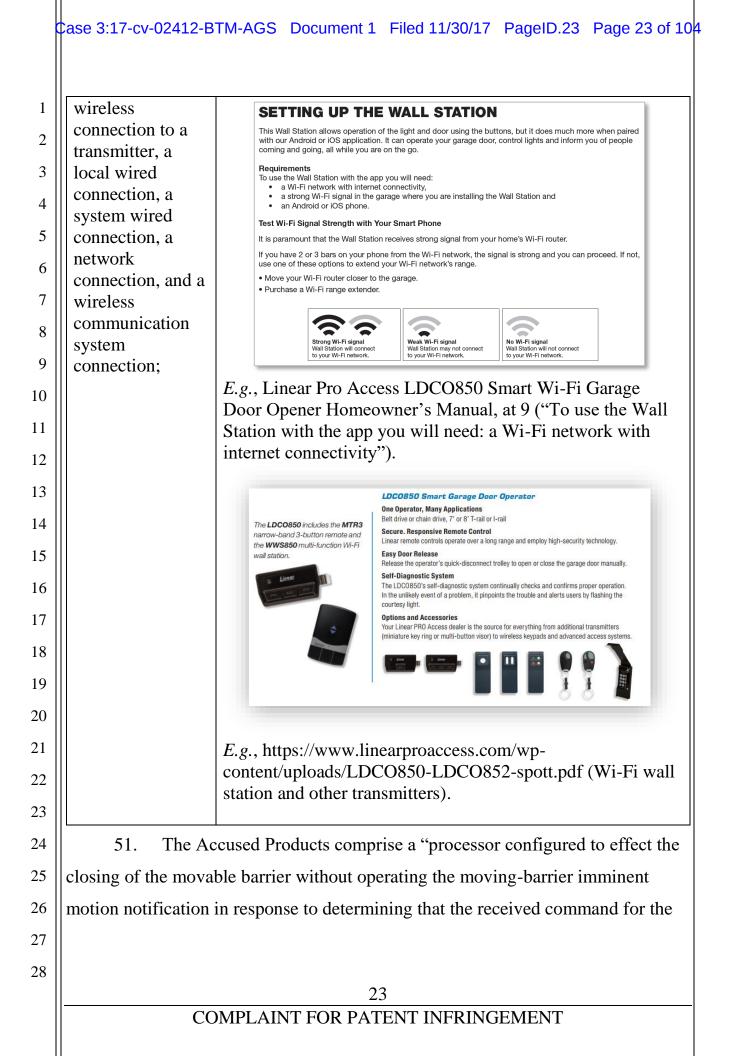


| Kinese Installer's Contact Information: Installer's Contact Information: Installer's Contact Information: |
|--|
| • Construction of the second sec |
| Using the Garage Door Operator page 2 Manual Disconnect page 3 Testing the Safety Beam page 4 Adjusting the Open and Close Limits page 5 Automatic Door Force Setup page 6 Safety Reversal System Test page 7 Programming Remote Controls page 8 Setting Up the Wall Station page 9 Maintenance page 11 Troubleshooting page 13 Warranty page 14 |
| <i>E.g.</i> , Linear Pro Access LDCO850 Smart Wi-Fi Garage Doo Opener Homeowner's Manual, at cover ("Smart Wi-Fi Garage |
| Door Opener"). |
| |
| |
| |
| |
| |



comprising: a
communicationcomprising: a communication
connection
connection
connection
comprising at
least one of the
group consisting
of: a directcomprising a
communication
connection, a network connection, and a
wireless communication system connection:

COMPLAINT FOR PATENT INFRINGEMENT



Case 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.24 Page 24 of 104

1 closing was received from at least one of the direct wireless connection to the

2 || transmitter and the local wired connection" as provided in the chart below:

| 2 | | ocal whed connection as provided in the chart below. | |
|----|---|---|--|
| 3 | Claim Exemplary Infringing Element of Defendant's Accused | | |
| 4 | Limitation | Products | |
| 5 | a processor configured to | The Accused Products comprise a processor configured to determine whether a received command for a closing the | |
| | determine | movable barrier was received from at least one of the system | |
| 6 | whether a | wired connection, the network connection, and the wireless | |
| 7 | received | communication system connection: | |
| 8 | command for a | | |
| | closing the | GTO Access Systems LLC ©2016 | |
| 9 | movable barrier was received | | |
| 10 | from at least one | | |
| 11 | of the system | | |
| 12 | wired connection, | | |
| | the network | | |
| 13 | connection, and | | |
| 14 | the wireless communication | | |
| 15 | system | 0-15-50 - 4-00 - 4-00 - 10 - 4-00 - 10 - 4-00 - 10 - 4-00 - 10 - 10 - 10 - 10 - 10 - 10 - 10 | |
| 16 | connection; | | |
| | | | |
| 17 | | | |
| 18 | | C33 | |
| 19 | | <i>E.g.</i> , photo taken from LDCO850 unit. | |
| 20 | | | |
| 21 | | "processor" is inside operator | |
| | | "processor" is inside operator | |
| 22 | | | |
| 23 | | Linear | |
| 24 | | | |
| 25 | | | |
| | | | |
| 26 | | | |
| 27 | | | |
| 28 | | | |
| | | 24 | |
| | CC | MPLAINT FOR PATENT INFRINGEMENT | |
| | | | |



On information and belief, the wall station is connected to the garage door opener through a wired connection. On information and belief, the processor determines whether the type of signal received is local or remote. For example, when the garage door is closed using the wall station, there is no moving-barrier imminent motion notification, but when the garage door is closed with the Linear PRO Access app, it is closed with a moving-barrier imminent motion notification.

1

2

3

4

5

6

7

8

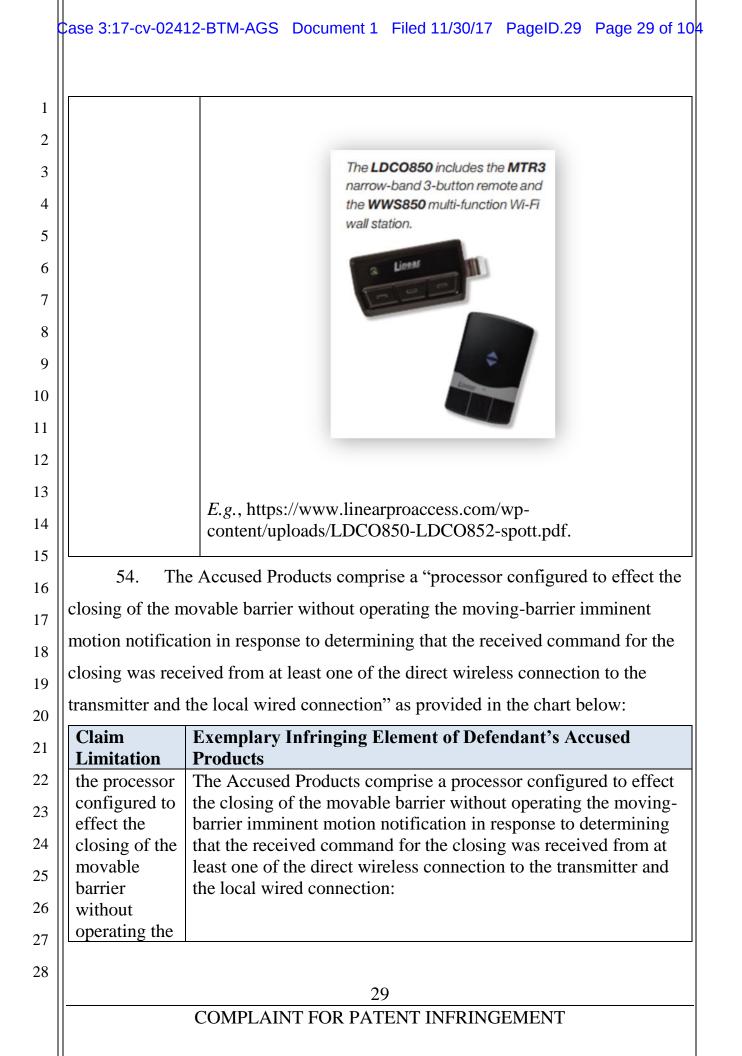
52. The Accused Products comprise a "processor configured to effect the
closing of the movable barrier in combination with operating a moving barrier
imminent motion notification in response to determining that the received
command for the closing was received from at least one of the system wired
connection, the network connection, and the wireless communication system
connection" as provided in the chart below:

| 15 | Claim | Exemplary Infringing Element of Defendant's Accused | |
|----|-----------------|---|--|
| 16 | Limitation | Products | |
| 16 | the processor | The Accused Products comprise a processor configured to | |
| 17 | configured to | effect the closing of the movable barrier in combination with | |
| 18 | effect the | operating a moving barrier imminent motion notification in | |
| 10 | closing of the | response to determining that the received command for the | |
| 19 | movable | closing was received from at least one of the system wired | |
| 20 | barrier in | connection, the network connection, and the wireless | |
| | combination | communication system connection: | |
| 21 | with operating | | |
| 22 | a moving | | |
| | barrier | | |
| 23 | imminent | | |
| 24 | motion | | |
| | notification in | | |
| 25 | response to | | |
| 26 | determining | | |
| 27 | that the | | |
| 27 | received | | |
| 28 | | | |
| | 26 | | |
| | | COMPLAINT FOR PATENT INFRINGEMENT | |
| | | | |
| | | | |

Case 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.27 Page 27 of 104



E.g., https://www.linearproaccess.com/wp-1 content/uploads/LDCO850-LDCO852-spott.pdf. 2 The Accused Products comprise a "processor configured to determine 53. 3 whether the received command for the closing was received from at least one of 4 the direct wireless connection to the transmitter and the local wired connection" as 5 provided in the chart below: 6 **Exemplary Infringing Element of Defendant's Accused** Claim 7 **Products** Limitation 8 the processor The Accused Products comprise a processor configured to configured to determine whether the received command for the closing was 9 determine received from at least one of the direct wireless connection to whether the the transmitter and the local wired connection: received command for On information and belief, the processor determines whether the closing was the type of signal received is local or remote. For example, when the garage door is closed using the wall station, there is received from at least one of no moving-barrier imminent motion notification, but when the 14 garage door is closed with the Linear PRO Access app, it is the direct closed with a moving-barrier imminent motion notification. wireless 15 connection to 16 the transmitter and the local 17 wired 18 connection; 19 20 21 22 23 24 25 26 27 E.g., photo taken from LDCO850 unit. 28 28 COMPLAINT FOR PATENT INFRINGEMENT



| case 3:17-cv-02412-BTM-AGS | Document 1 | Filed 11/30/17 | PageID.30 | Page 30 of 104 | |
|----------------------------|------------|----------------|------------|----------------|---|
| | Document 1 | | T ugerb.50 | 1 uge 30 01 10 | 1 |

| 1 | moving- | On information and belief, the wall station is connected to the |
|-----|---------------|---|
| 2 | barrier | garage door opener through a wired connection. |
| | imminent | |
| 3 | motion | On information and belief, when the processor determines that |
| 4 | notification | the command received comes from a local location, the system |
| _ | in response | will operate without an imminent motion notification. |
| 5 | to | |
| 6 | determining | For example, when the garage door is closed using the wall |
| 7 | that the | station, there is no moving-barrier imminent motion notification. |
| 7 | received | |
| 8 | command for | |
| 0 | the closing | |
| 9 | was received | |
| 10 | from at least | |
| 11 | one of the | |
| 11 | direct | |
| 12 | wireless | |
| 10 | connection to | |
| 13 | the | |
| 14 | transmitter | |
| 1.5 | and the local | |
| 15 | wired | |
| 16 | connection. | |

55. On information and belief, based on at least the prior litigation, the Agreement between NSC and CGI, and the correspondence regarding NSC's willful breach of its Agreement with CGI, NSC was aware of CGI patents beyond the Licensed Patents, including the Asserted Patents, before the filing of this suit.

56. On information and belief, Defendant has induced and continues to induce infringement of one or more claims of the '404 patent under 35 U.S.C.
§ 271(b). On information and belief, Defendant actively, knowingly, and intentionally induces, and will continue to actively, knowingly, and intentionally induce infringement of the '404 patent by selling or otherwise supplying the Accused Products with the knowledge and intent that third parties will import

and/or use the Accused Products to infringe the '404 patent, and with the
 knowledge and intent to encourage and facilitate third party infringement through
 the importation and/or dissemination of the Accused Products and the creation or
 dissemination, through its websites and other sources, of promotional materials,
 instructions, product manuals, and/or technical information related to the Accused
 Products.

57. On information and belief, Defendant has contributorily infringed, and continues to contributorily infringe, one or more claims of the '404 patent under 35 U.S.C. § 271(c). On information and belief, Defendant has sold or offered to sell within the United States or imported into the United States the Accused Products, and Defendant continues to offer to sell or sell within the United States or import into the United States the Accused Products with the knowledge that the Accused Products are especially made or especially adapted for use in an infringement of the '404 patent. On information and belief, the Accused Products are not a staple article or commodity of commerce suitable for substantial noninfringing use.

58. On information and belief, Defendant is aware and specifically intends that the ordinary and customary use of the Accused Products infringes the '404 patent. Defendant provides customers and other third parties with product manuals, technical information, and instructions that cause such customers and third parties to operate the Accused Products according to their ordinary and customary use. On information and belief, Defendant's customers and other third parties directly infringe the '404 patent through the normal and customary use of the Accused Products.

59. CGI has been and continues to be damaged by Defendant's infringement of the '404 patent.

60. Based on at least the prior litigation, the Agreement between NSC andCGI, and the correspondence regarding NSC's willful breach of its Agreement

with CGI, on information and belief, NSC's infringement of the '404 patent is and has been egregious and willful. At a minimum, NSC became aware of the '404 2 patent and the fact that the Accused Products infringe the '404 patent as of the 3 filing of this suit. CGI is therefore entitled to enhanced damages under 35 U.S.C. § 4 284 and reasonable attorneys' fees and costs.

With no adequate remedy at law, CGI is entitled to injunctive relief, 61. as it will continue to suffer irreparable harm, including loss of garage door opener sales and installations, loss of sales of related services and accessories, and harm to its reputation and brands, if Defendant's infringement of the '404 patent is not enjoined.

For all the reasons stated above, Defendant's conduct in infringing the 62. '404 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

1

COUNT 2 – INFRINGEMENT OF THE '223 PATENT

CGI realleges and incorporates by reference each of the preceding 63. paragraphs.

64. On information and belief, Defendant, directly or through the actions of its employees, divisions, and/or subsidiaries, has infringed and continues to infringe at least claim 1 of the '223 patent directly, literally, and/or by equivalents under 35 U.S.C. § 271(a) by, among other things, importing the Accused Products and making, using, offering for sale, and selling the Accused Products in the United States.

65. The Accused Products comprise a movable barrier operator, as recited in the claims of the '223 patent. For instance, claim 1 of the '223 patent recites:

A movable barrier operator apparatus comprising:

a power supply that operably couples to at least one source of alternating current;

an obstacle detector; and

| | Case 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.33 Page 33 of 104 |
|---------------------------------|---|
| 1 2 3 4 5 6 7 | a movable barrier operator which includes a controller, the movable barrier operator operably coupled to the power supply, receives operating power from the power supply and has at least a first and second mode of energy consumption operation and being further configured and arranged to: selectively open and close a corresponding movable barrier; and develop an obstacle detector operating mode control signal from the controller as a function of movable barrier operator system state information that indicates whether the barrier is open or closed, the obstacle detector operating mode control signal being operable to directly control the energy usage of the obstacle detector, the control signal from the controller developed as a result of the state information, the state |
| 8 | information selected from a group consisting of motor state information, time information, transmission state information, voltage state information, switch state information and combinations thereof, |
| 9 10 | the obstacle detector operably coupled to the power supply and to the movable barrier operator, receives operating power from the power supply, and has a plurality of operating modes, wherein at least some of |
| 11 12 | the operating modes have different energy usages, and wherein the obstacle detector is directly responsive to the movable barrier operator obstacle detector operating mode control signal such that: |
| 13 | during the first mode of energy consumption operation, the obstacle detector operates using a first energy usage; and |
| 14 15 16 | during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in one of the energy usages is less than the power used by the other energy usage. |
| 17 | 66. The following tables provide a representative example charting how |
| 18 | the LDCO850, which is representative of the Accused Products, practices each and |
| 19 | every limitation of representative claim 1 of the '223 patent. This demonstration |
| 20 | of infringement is offered by way of example only and without limitation to CGI's |
| 21 | ability to demonstrate Defendant's direct or indirect infringement of additional |
| 22 | '223 patent claims, including by making, using, selling, offering for sale, or |
| 23 | importing additional products or inducing or contributing to such acts. |
| 24 | 67. The Accused Products are "movable barrier operator apparatus" as |
| 25 | provided in the chart below: |
| 26 | |
| 27 | |
| 28 | |
| | 33 COMPLAINT FOR PATENT INFRINGEMENT |
| | |

| t aca | 3:17-cv-02412-BTM-AGS | Dooumont 1 | Filed 11/20/17 | DogolD 24 | Dogo 24 of 10 | 1 |
|-------|------------------------|------------|----------------|-----------|---------------|----|
| Lase | 3.1/-UV-UZ41Z-DIWI-AG3 | | | PaueiD.34 | Page 34 01 10 | 14 |
| | | | | | | |

| Claim Limitation | Exemplary Infringing Element of Defendant's Accused Products |
|---------------------|---|
| A movable | The Accused Products are movable barrier operator |
| barrier operator | apparatus: |
| apparatus | |
| comprising: | |
| | Installer's Contact Information: |
| | LDCO850 |
| | Smart Wi-Fi Garage Door Opener |
| | Homeowner's Manual |
| | Linear |
| | |
| | |
| | A WARNING To reduce the risk of injury to persons – Use this |
| | opener only with sectional residential overhead doors. Do not use on one piece or swing doors. Please read this manual and included safety information carefully. |
| | After the opener is installed and working properly, use your smart phone to download, and activate the Linear PRO Access Smart Control app (page 10). |
| | Important Safety Informationpage 1 Using the Garage Door Operator |
| | Manual Disconnect page 3 Testing the Safety Beam |
| | Automatic Door Force Setup |
| | Programming Remote Controlspage 7 Programming Keypad Codespage 8 Setting Up the Wall Stationpage 9 |
| | Maintenance page 11 Troubleshooting page 13 Warranty page 14 |
| | LISTED Verifaility |
| | |
| | <i>E.g.</i> , Linear Pro Access LDCO850 Smart Wi-Fi Garage |
| | Door Opener Homeowner's Manual, at cover ("Smart Wi |
| | Garage Door Opener DC motor with LED lighting and be |
| | or chain-drive rail"). |
| | |
| | |
| | |
| | |
| | 34 |
| C | OMPLAINT FOR PATENT INFRINGEMENT |

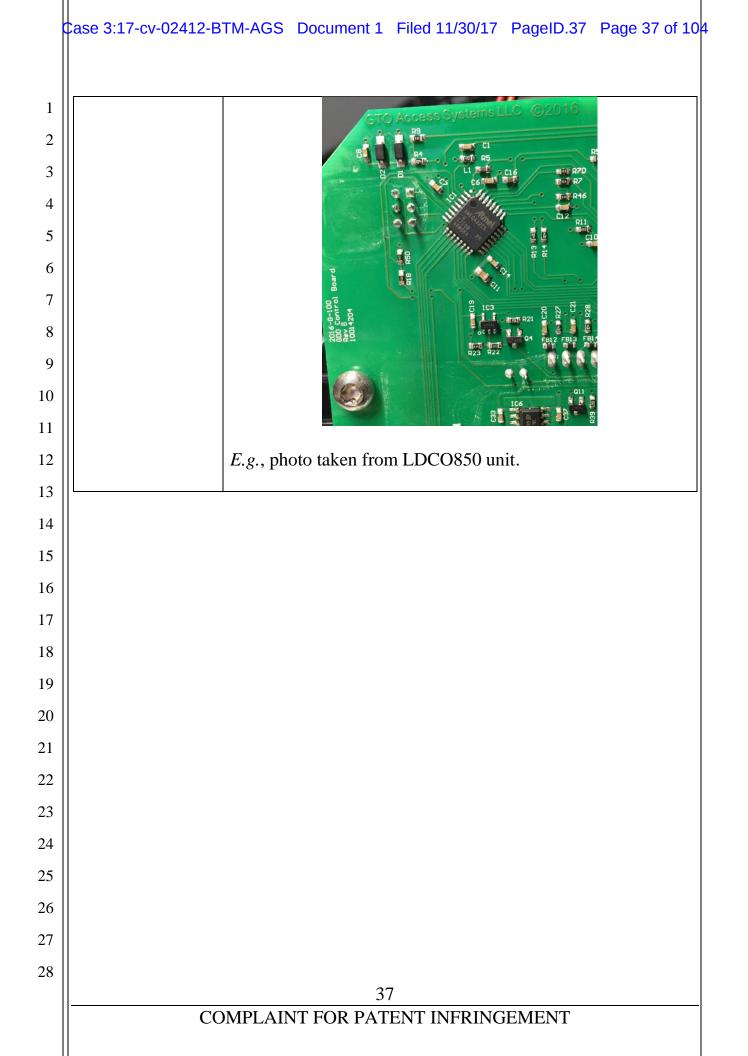
68. The Accused Products comprise "a power supply that operably

2 couples to at least one source of alternating current" as provided in the chart

3 below:

| | Claim Exemplary Infringing Element of Defendant's Accused | | | |
|---|--|--|--|--|
| Limitation | Exemplary Infringing Element of Defendant's Accused Products | | | |
| a power | The Accused Products comprise a power supply that operably | | | |
| supply that | | | | |
| operably | | | | |
| couples to at | Manufactured by: GTO Access Systems, LLC | | | |
| least one | USA & Canada (844) 256-3130 WWW.gtoaccess.com | | | |
| source of alternating | Smart WI-FI Garage Door Opener | | | |
| current; | DC motor with LED lighting and belt- or chain-drive rail | | | |
| current, | Installation instructions | | | |
| | Cord and Outlet Connection | | | |
| | The operator should be connected to a grounded receptacle on the ceiling or near the operator head. If none is available which will accept the grounded | | | |
| | operator plug, one should be installed by a qualified electrician. Do not use an extension cord . | | | |
| | 1 Plug the operator into a grounded receptacle. 2 When the operator is plugged in, a click should INTO GROUNDED | | | |
| | light does not turn on, check the power source and | | | |
| | light bulb. | | | |
| | <i>E.g.</i> , Linear Pro Access LDCO850 Smart Wi-Fi Garage Door | | | |
| | | | | |
| | Opener Installation Instructions, at 2 ("plug operator into | | | |
| | • | | | |
| 69. Th | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). | | | |
| 69. Th the chart below | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided | | | |
| | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided | | | |
| the chart below | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided : Exemplary Infringing Element of Defendant's Accused | | | |
| the chart below Claim Limitation | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided : Exemplary Infringing Element of Defendant's Accused Products | | | |
| the chart below Claim Limitation an obstacle | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided : Exemplary Infringing Element of Defendant's Accused Products | | | |
| the chart below Claim Limitation an obstacle | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided : Exemplary Infringing Element of Defendant's Accused Products | | | |
| the chart below Claim Limitation an obstacle | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided : Exemplary Infringing Element of Defendant's Accused Products | | | |
| the chart below Claim Limitation an obstacle | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided : Exemplary Infringing Element of Defendant's Accused Products | | | |
| the chart below Claim Limitation an obstacle | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided : Exemplary Infringing Element of Defendant's Accused Products | | | |
| the chart below Claim Limitation an obstacle | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided : Exemplary Infringing Element of Defendant's Accused Products | | | |
| the chart below Claim Limitation an obstacle | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided : Exemplary Infringing Element of Defendant's Accused Products | | | |
| the chart below Claim Limitation an obstacle | Opener Installation Instructions, at 2 ("plug operator into grounded outlet"). e Accused Products comprise "an obstacle detector" as provided : Exemplary Infringing Element of Defendant's Accused Products | | | |

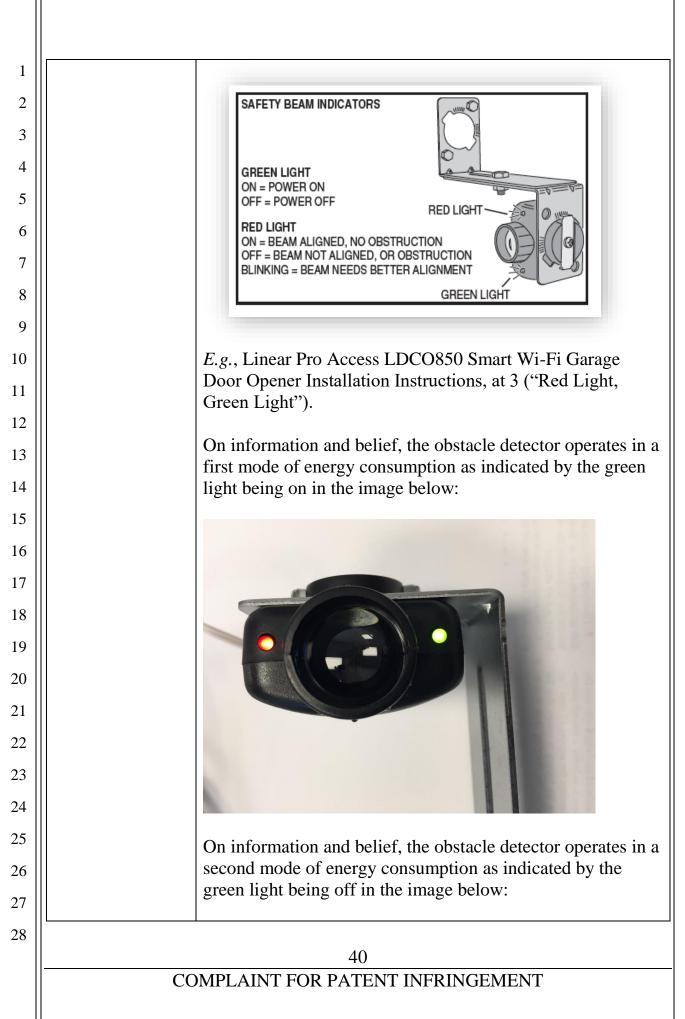
| uase 3.17-0v-02412-B | TM-AGS Document 1 Filed 11/30/17 PageID.36 Page 36 of 1 | | | | |
|---|---|--|--|--|--|
| | 12 Aligning the Infrared Safety Beam The safety beam has two components, a sender and a receiver. The sender produces a narrow infrared beam that travels across the bottom of the door opening to the infrared receiver. If an object blocks the infrared beam while the door is closing, the door will stop, then reverse and fully open (the operator's light will flash three times). As a safety feature, the operator will ignore signals from all remote controls if the door is open and the infrared safety beam is blocked or out of alignment. In this case, the door can be forced closed by pressing and holding the wall station's up/down arrow pushbutton (be sure the door area is in clear view). ADJUSTING THE BEAM ADJUSTING THE BEAM 1. ADJUST TING THE BEAM ADJUST TING THE BEAM 1. ADJUST SENDER ADJUST SENDER 1. ADJUST SENDER ADJUST SENDER | | | | |
| | <i>E.g.</i> , Linear Pro Access LDCO850 Smart Wi-Fi Garage | | | | |
| | Door Opener Installation Instructions, at 3 ("Infrared Safety Beam"). | | | | |
| | | | | | |
| | CONVENIENCE AND SAFETY | | | | |
| | Obstacle-sensing beams | | | | |
| | Emergency quick release Auto trolley reconnect | | | | |
| | Ventilation/pet positioning Down safety reverse | | | | |
| | Up safety stop Door park on down direction | | | | |
| | <i>E.g.</i> , https://www.linearproaccess.com/wp- content/uploads/LDCO850-LDCO852-spott.pdf. | | | | |
| 70. The Ac | ccused Products comprise "a movable barrier operator which | | | | |
| | r" as provided in the chart below: | | | | |
| Claim | • | | | | |
| Limitation | Products | | | | |
| a movable barrier operator which includes a | The Accused Products are movable barrier operators which include a controller: | | | | |
| controller, | On information and belief, the Accused Products include the Atmel XMEGA32E5 processor. | | | | |
| | | | | | |
| | 36 | | | | |
| | | | | | |



| | Atmel | 8/16-bit Atmel AVR XMEGA Microcontrollers |
|----------------------|----------------------|---|
| | | ATxmega32E5 / ATxmega16E5 / ATxmega8E5 |
| | | DATASHEET |
| | | Features High-performance, low-power Almel® AVR® XMEGA® 8/16-bit Microcontroller |
| | | Nonvolatile program and data memorial Nonvolatile program Nonvolatile program Statuses Nonvolatile program Statuses Nonvolatile program Statuses Nonvolatile program Statuses Statuses |
| | | Peripheral features Four-channel enhanced DMA controller with B/16-bit address match Epith-channel event system Asynchronous and synchronous signal routing |
| | | Cuadrature encoder with rotary titler Three 16-bit timer/counters One timer/counter with four output compare or input capture channels Two timer/counter with two output compare or input capture channels Migh resolution extension enabling down to Ans PVM resolution High resolution extension enabling down to Ans PVM resolution |
| | | Wiveform extension for control of motor, LED, lighting, H-bridge, high drives, and more Fault extension for scalar and deterministic handing and/and/or shut-down of batemal driver CRC-16 (CRC-CCITT) and CRC-32 (IEEE 802.3) generator XMEGA Custom Logic (XCL) module with timer, counter and logic functions |
| | | Two B-bit timericounters with capture/compare and 16-bit cascade mode Connected to one USART to support custom data frame length Connected to UO pins and event system to do programmable logic functions MUX, AND, NAND, OR, NOR, XOR, XOR, YAOR, NOT, D-FIB-Rop, D Latch, RS Latch Two USARTs with full-cubies and single with half-duples configuration |
| | | Master SPI mode Support custom protocols with configurable data frame length up to 256-bit System wate-up from deep skeep modes when used with internal 8MHz oscillator One two-write interface with dual address match (PC and SMBus compatible) |
| | | Bridge configuration for simultaneous master and stave operation Up to 1NH-t bus speed support One serial peripheral interface (SPI) 16-bit real time counter with separate oscillator and digital correction One sixteen-channel, 12-bit, 300/sps Analog to Digital Converter with: |
| | | Offset and gain correction Averaging Over-sampling and decimation Ore to champling and decimation Ore to chample 12-bit Misps Digital to Analog Converter |
| | | Two Analog Comparators with window compare function and current sources External interrupts on all general purpose UP pins Programmable watchdog limer with separate on chip ultra low power oscillator Orouch Bitrary support |
| | | Capacitive touch buttons, siders and wheels Special microcontroller features Power-on reset and programmable brown-out detection Internal and external clock options with PLL Programmable multikevil interrupt controller |
| | | Five sleep modes Programming and debug interface VO and Packages |
| | | 26 programmable VD pins 7x7rm 324ead TOEP 6x5rm 324ead VOEN 4x4rm 324ead VOEN 0persing Voltage |
| | | ● 1.5 – 3.8V ● Operating frequency ● 0 – 1284/s from 1.8V ● 0 – 2284/s from 2.7V |
| | | |
| | | Atmel 8153v-AVR-ATxmegatEES-ATxmegatBEES-ATxmegat2EES_Datasheed-08/2018 |
| | | |
| | | nel.com/Images/Atmel-8153-8-and-16 troller-XMEGA-E-ATxmega8E5- |
| | | xmega32E5_Datasheet.pdf. |
| | - | |
| 71. The Acc | cused Products comp | prise a "movable barrier operator opera |
| oupled to the power | - supply" which "rec | eives operating power from the power |
| upply" as provided i | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Case 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.39 Page 39 of 104

| Claim Limitati | ion | Exemplary Infringing Element of Defendant's Accused Products | | | | |
|--|--|--|--|--|--|--|
| ² the movable The Accused Products comprise movable barrier oper | | | | | | |
| barrier o | | operably coupled to a power supply, which receive operating | | | | |
| operably to the po | coupled | power from the power supply: | | | | |
| supply, 1 | | | | | | |
| operatin | g power | Cord and Outlet Connection The operator should be connected to a grounded receptacle on the ceiling or near the operator head. | | | | |
| from the supply, | power | If none is available which will accept the grounded operator plug, one should be installed by a qualified electrician. Do not use an extension cord . | | | | |
| | | Plug the operator into a grounded receptacle. When the operator is plugged in, a click should sound in the operator and the light should turn on. If light does not turn on, check the power source and light bulb. | | | | |
| | | ngir baib. | | | | |
| | | <i>E.g.</i> , Linear Pro Access LDCO850 Smart Wi-Fi Garage | | | | |
| | | Door Opener Installation Instructions, at 2 ("plug operator | | | | |
| | | into grounded outlet"). | | | | |
| | | | | | | |
| 72. | The Ac | | | | | |
| | | ccused Products comprise a movable barrier operator that "has | | | | |
| at least a | | | | | | |
| | first and se | | | | | |
| configure Claim | first and se ed and arrai | econd mode of energy consumption operation and being furthen nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused | | | | |
| configure | first and se ed and arran ion | econd mode of energy consumption operation and being further nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products | | | | |
| configure Claim Limitati has at lea | first and se ed and arrai | econd mode of energy consumption operation and being further nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused | | | | |
| configure Claim Limitati has at lea and seco of energ | first and se ed and arran ion ast a first ond mode y | econd mode of energy consumption operation and being further nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products The Accused Products comprise movable barrier operators | | | | |
| configure Claim Limitati has at lea and seco of energy consump operation | first and se ed and arran ion ast a first ond mode y ption n and | econd mode of energy consumption operation and being furtheringed to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products The Accused Products comprise movable barrier operators that have at least a first and second mode of energy | | | | |
| configure Claim Limitati has at lea and seco of energy consump operation being fu | first and se ed and arran ion ast a first ond mode y otion n and rther | econd mode of energy consumption operation and being further nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products The Accused Products comprise movable barrier operators that have at least a first and second mode of energy | | | | |
| configure Claim Limitati has at lea and secc of energ consump operation being fur configur | first and se ed and arran ion ast a first ond mode y ption n and rther red and | econd mode of energy consumption operation and being further nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products The Accused Products comprise movable barrier operators that have at least a first and second mode of energy | | | | |
| configure Claim Limitati has at lea and seco of energy consump operation being fu | first and se ed and arran ion ast a first ond mode y ption n and rther red and | econd mode of energy consumption operation and being furtheringed to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products The Accused Products comprise movable barrier operators that have at least a first and second mode of energy | | | | |
| configure Claim Limitati has at lea and secco of energy consump operation being fur configure | first and se ed and arran ion ast a first ond mode y ption n and rther red and | econd mode of energy consumption operation and being further nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products The Accused Products comprise movable barrier operators that have at least a first and second mode of energy | | | | |
| configure Claim Limitati has at lea and secco of energy consump operation being fur configure | first and se ed and arran ion ast a first ond mode y ption n and rther red and | econd mode of energy consumption operation and being further nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products The Accused Products comprise movable barrier operators that have at least a first and second mode of energy | | | | |
| configure Claim Limitati has at lea and secco of energy consump operation being fur configure | first and se ed and arran ion ast a first ond mode y ption n and rther red and | econd mode of energy consumption operation and being further nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products The Accused Products comprise movable barrier operators that have at least a first and second mode of energy | | | | |
| configure Claim Limitati has at lea and secco of energy consump operation being fur configure | first and se ed and arran ion ast a first ond mode y ption n and rther red and | econd mode of energy consumption operation and being further nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products The Accused Products comprise movable barrier operators that have at least a first and second mode of energy | | | | |
| configure Claim Limitati has at lea and secco of energy consump operation being fur configure | first and se ed and arran ion ast a first ond mode y ption n and rther red and | econd mode of energy consumption operation and being further nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products The Accused Products comprise movable barrier operators that have at least a first and second mode of energy | | | | |
| configure Claim Limitati has at lea and secco of energy consump operation being fur configure | first and se ed and arran ion ast a first ond mode y ption n and rther red and 1 to: | econd mode of energy consumption operation and being further nged to" as provided in the chart below: Exemplary Infringing Element of Defendant's Accused Products The Accused Products comprise movable barrier operators that have at least a first and second mode of energy consumption operation: | | | | |





73. The Accused Products comprise movable barrier operators that are further configured and arranged to "selectively open and close a corresponding

movable barrier" as provided in the chart below:

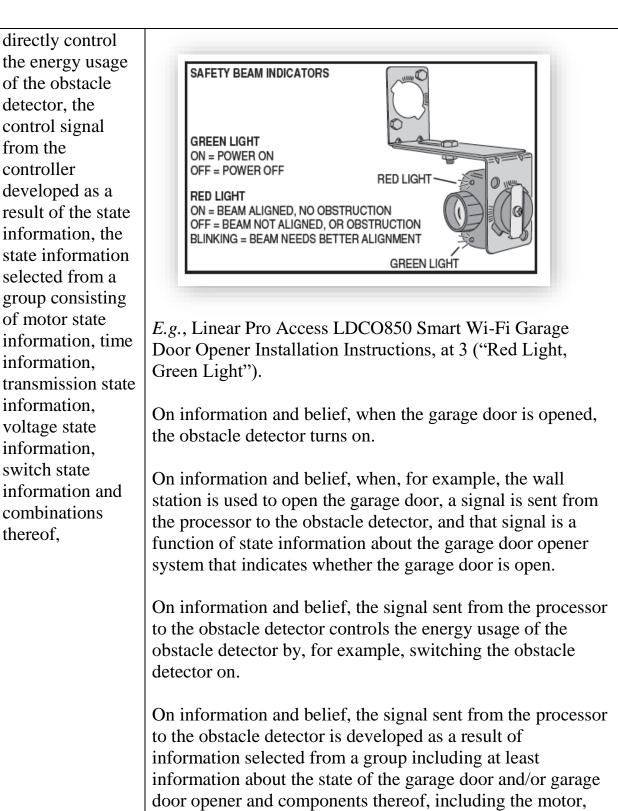
| 15 | Claim | Exemplary Infringing Element of Defendant's Accused | | | | |
|--|---|--|--|--|--|--|
| 16 | Limitation | Products | | | | |
| .7 .8 .9 20 21 22 23 24 25 26 | selectively open and close a corresponding movable barrier; and | The Accused Products comprise movable barrier operators further configured and arranged to selectively open and close a corresponding movable barrier: Pering the Ore 1 With the door in view, press the wall station's UP operator on the renote control, or enter a value costs code and press START/STOP on a remote value. Pering the Ore will be operator is activated, the operator's light flashes to or is operator is the operator on the renote control, or enter a value costs code and press START/STOP on a remote value. Pering the Ore will be operator is activated, the operator's light flashes to respect to the operator on the renote control, or enter a value costs code and press START/STOP on a remote value of the operator on the renote control, or enter a value costs of the and phesis to the renote control, or enter a value costs (and the operator's light flashes the resonance of operator's light flashes tour remes, or the safet beat is interrupted operator is difficult to costs. Pering the Ore will be operator is activated, the operator's light flashes tour times, or the safet beat is interrupted operator is light flashes three times) while the interacted frage of the ore will be operator is light flashes three times of the interacted frage or will be costs. Pering the door will be operator is activated, the operator's light flashes tour times, or the safet beat on the cost. Pering the door stops. Pering the operator is activated, the operator's light flashes tour times, or the safet beat is interrupted operator is light flashes tour times, or the stop the safet beat is interrupted operator is light flashes three times and the advisition of the budies is interrupted operator is light flashes three times and the soft times in the rupted operator is light flashes three times and the advisition of the budies is interrupted operator is light flashes three times and the advisition of the budies is interrupted operator is light flashes three | | | | |
| 27 | | | | | | |
| 28 | | | | | | |
| | | 41 | | | | |
| | CC | OMPLAINT FOR PATENT INFRINGEMENT | | | | |

E.g., Linear Pro Access LDCO850 Smart Wi-Fi Garage Door Opener Installation Instructions, at 3-4 ("Opening the Door, Closing the Door").

74. The Accused Products comprise movable barrier operators that are further configured and arranged to "develop an obstacle detector operating mode control signal from the controller as a function of movable barrier operator system state information that indicates whether the barrier is open or closed, the obstacle detector operating mode control signal being operable to directly control the energy usage of the obstacle detector, the control signal from the controller developed as a result of the state information, the state information selected from a group consisting of motor state information, time information, transmission state information, voltage state information, switch state information and combinations thereof" as provided in the chart below:

| 14 | | | | | |
|----|-----------------------------------|---|--|--|--|
| | Claim | Exemplary Infringing Element of Defendant's Accused | | | |
| 15 | Limitation | Products | | | |
| 16 | develop an | The Accused Products comprise movable barrier operators | | | |
| | obstacle detector | further configured and arranged to develop an obstacle | | | |
| 17 | operating mode | detector operating mode control signal from the controller as | | | |
| 18 | control signal | a function of movable barrier operator system state | | | |
| | from the | information that indicates whether the barrier is open or | | | |
| 19 | controller as a | closed, the obstacle detector operating mode control signal | | | |
| 20 | function of | being operable to directly control the energy usage of the | | | |
| 01 | movable barrier | obstacle detector, the control signal from the controller | | | |
| 21 | operator system | developed as a result of the state information, the state | | | |
| 22 | state information | information selected from a group consisting of motor state | | | |
| 23 | that indicates | information, time information, transmission state | | | |
| 23 | whether the | information, voltage state information, switch state | | | |
| 24 | barrier is open or | information and combinations thereof: | | | |
| 25 | closed, the | | | | |
| | obstacle detector | | | | |
| 26 | operating mode | | | | |
| 27 | control signal | | | | |
| | being operable to | | | | |
| 28 | | | | | |
| | | 42 | | | |
| | COMPLAINT FOR PATENT INFRINGEMENT | | | | |

detector, the control signal from the controller of motor state information, information, voltage state information, switch state combinations thereof.



information.

information about time, information about transmission state,

and information about voltage, among other types of

75. The Accused Products comprise an "obstacle detector operably coupled to the power supply and to the movable barrier operator, receives 2 operating power from the power supply, and has a plurality of operating modes, 3 wherein at least some of the operating modes have different energy usages, and 4 wherein the obstacle detector is directly responsive to the movable barrier operator 5 obstacle detector operating mode control signal" as provided in the chart below: 6

1

| 7 | Claim Exemplary Infringing Element of Defendant's Accused | | | | | |
|--|---|--|--|--|--|--|
| | Limitation | Products | | | | |
| | the obstacle detector operably coupled to the power supply and to the movable barrier operator, receives operating power from the power supply, and has a | The Accused Products comprise an obstacle detector operably coupled to the power supply and to the movable barrier operator, which receives operating power from the power supply, and has a plurality of operating modes, wherein at least some of the operating modes have different energy usages, and wherein the obstacle detector is directly responsive to the movable barrier operator obstacle detector operating mode control signal: On information and belief, the obstacle detector is coupled to | | | | |
| 5 5 7 | plurality of operating modes, wherein at least some of the | the garage door opener and its power supply through wires that transmit power and signals that control whether the obstacle detector is on or off. | | | | |
| 8 9 0 1 1 2 2 3 3 4 5 6 | operating modes have different energy usages, and wherein the obstacle detector is directly responsive to the movable barrier operator obstacle detector operating mode control signal such that: | SAFETY BEAM INDICATORS GREEN LIGHT ON = POWER ON OFF = POWER OFF RED LIGHT ON = BEAM ALIGNED, NO OBSTRUCTION OFF = BEAM NOT ALIGNED, OR OBSTRUCTION BLINKING = BEAM NEEDS BETTER ALIGNMENT GREEN LIGHT | | | | |
| 27 28 | | 44 | | | | |
| | COMPLAINT FOR PATENT INFRINGEMENT | | | | | |

| C | ase 3:17-cv-02412-B | TM-AGS Document 1 Filed 11/30/17 PageID.45 Page 45 of 1 |
|---|---------------------------------------|---|
| | | E.g., Linear Pro Access LDCO850 Smart Wi-Fi Garage Door Opener Installation Instructions, at 3 ("Red Light, Green Light"). CARTONS Carton 1 - Operator Head Contents: • Garage Door Operator Head • Integrated battery backup included, 12V, 54AH • WWS850 Wi-Fi Wall Station (w/ 27' wire) • MTR3 Remote Control • Obstacle-sensing beams (w/ 35' of wire) • Mounting hardware Dimension: 17" x 14.75" x 10" Shipping Weight: 23.7 lbs. E.g., https://www.linearproaccess.com/wp- content/uploads/LDCO850-LDCO852-spott.pdf. |
| | | |
| | e | that "during the first mode of energy consumption operation, |
| | the obstacle detecto below: | r operates using a first energy usage" as provided in the chart |
| ; | Claim | Exemplary Infringing Element of Defendant's Accused |
| , | Limitation | Products |
| | during the first mode of energy | The Accused Products comprise an obstacle detector that is directly responsive to the movable barrier operator obstacle |
| | consumption | detector operating mode control signal such that during the |
| | operation, the | first mode of energy consumption operation, the obstacle |
| | obstacle detector operates using a | detector operates using a first energy usage: |
| | first energy | On information and belief, the obstacle detector is coupled to |
| | usage; and | the garage door opener and its power supply through wires |
| | | that transmit power and signals that control whether the obstacle detector is on or off. |
| | L | |
| | | |
| ; | | |
| | | 45 |
| | CC | OMPLAINT FOR PATENT INFRINGEMENT |
| | | |

| | Case 3:17-cv-02412-B | TM-AGS Document 1 Filed 11/30/17 PageID.46 Page 46 of 104 |
|--|----------------------------------|---|
| | | |
| | | |
| 1 | | |
| 2 3 4 5 6 7 8 9 10 | | SAFETY BEAM INDICATORS GREEN LIGHT ON = POWER ON OFF = POWER OFF RED LIGHT ON = BEAM ALIGNED, NO OBSTRUCTION OFF = BEAM NOT ALIGNED, OR OBSTRUCTION OFF = BEAM NOT ALIGNED, OR OBSTRUCTION BLINKING = BEAM NEEDS BETTER ALIGNMENT GREEN LIGHT State of the state o |
| 11 | | Green Light"). |
| 12 | | On information and halisf the chatcale dataster energies at |
| 13 | | On information and belief, the obstacle detector operates at 8.20 volts during a first state when the barrier is open or in |
| 14 | | motion (<i>i.e.</i> , normal state) and the photobeam LEDs are on. |
| 15 | | |
| 16 | 77. The Ac | cused Products comprise an obstacle detector that is directly |
| 17 | responsive to the mo | ovable barrier operator obstacle detector operating mode |
| 18 | control signal such t | hat "during the second mode of energy consumption operation, |
| 19 | the obstacle detector | operates using a second energy usage, wherein the operating |
| 20 | power used in one o | f the energy usages is less than the power used by the other |
| 21 | energy usage" as pro | ovided in the chart below: |
| 22 | Claim Limitation | Exemplary Infringing Element of Defendant's Accused |
| 23 | Limitation during the second | Products The Accused Products comprise an obstacle detector that is |
| 24 | mode of energy | directly responsive to the movable barrier operator obstacle |
| 25 | consumption | detector operating mode control signal such that during the |
| 26 | operation, the obstacle detector | second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the |
| 27 | operates using a | |
| 28 | | |

| c | Case 3:17-cv-02412-B | 3TM-AGS Document 1 Filed 11/30/17 PageID.47 Page 47 of 10 | | | | |
|-----------------------|--|--|--|--|--|--|
| 1 2 3 4 5 | second energy usage, wherein the operating power used in one of the energy usages is less | operating power used in one of the energy usages is less than the power used by the other energy usage:On information and belief, the obstacle detector is coupled to the garage door opener and its power supply through wires that transmit power and signals that control whether the abstacle detector is en an effect. | | | | |
| 6 | than the power used by the other energy usage. | obstacle detector is on or off. | | | | |
| 7 8 | | | | | | |
| 9 10 | | GREEN LIGHT ON = POWER ON | | | | |
| 10 | | OFF = POWER OFF RED LIGHT | | | | |
| 12 | | RED LIGHT ON = BEAM ALIGNED, NO OBSTRUCTION OFF = BEAM NOT ALIGNED, OR OBSTRUCTION | | | | |
| 13 | | BLINKING = BEAM NEEDS BETTER ALIGNMENT | | | | |
| 14 | | GREEN LIGHT | | | | |
| 15 | | | | | | |
| 16 17 | | <i>E.g.</i> , Linear Pro Access LDCO850 Smart Wi-Fi Garage Door Opener Installation Instructions, at 3 ("Red Light, Green Light"). | | | | |
| 18 | | On information and belief, the obstacle detector operates at | | | | |
| 19 | | 1.95 volts during a second state when the barrier is closed for | | | | |
| 20 | | greater than 5 minutes (<i>i.e.</i> , power saving mode) and the photobeam LEDs are off. | | | | |
| 21 | 78. On infe | formation and belief, based on at least the prior litigation, the | | | | |
| 22 | Agreement between NSC and CGI, and the correspondence regarding NSC's | | | | | |
| 23 | willful breach of its Agreement with CGI, NSC was aware of CGI patents beyond | | | | | |
| 24 | the Licensed Patents, including the Asserted Patents, before the filing of this suit. | | | | | |
| 25 | 79. On information and belief, Defendant has induced and continues to | | | | | |
| 26 | induce infringement | t of one or more claims of the '223 patent under 35 U.S.C. | | | | |
| 27 | § 271(b). On inform | mation and belief, Defendant actively, knowingly, and | | | | |
| 28 | | 47 | | | | |
| | C(| 47 OMPLAINT FOR PATENT INFRINGEMENT | | | | |
| | | | | | | |

intentionally induces, and will continue to actively, knowingly, and intentionally
induce infringement of the '223 patent by selling or otherwise supplying the
Accused Products with the knowledge and intent that third parties will import
and/or use the Accused Products to infringe the '223 patent, and with the
knowledge and intent to encourage and facilitate third party infringement through
the importation and/or dissemination of the Accused Products, and the creation or
dissemination, through its websites and other sources, of promotional materials,
instructions, product manuals, and/or technical information related to the Accused
Products.

80. On information and belief, Defendant has contributorily infringed, and continues to contributorily infringe, one or more claims of the '223 patent under 35 U.S.C. § 271(c). On information and belief, Defendant has sold or offered to sell within the United States or imported into the United States the Accused Products, and Defendant continues to offer to sell or sell within the United States or import into the United States the Accused Products with the Knowledge that the Accused Products are especially made or especially adapted for use in an infringement of the '223 patent. On information and belief, the Accused Products are not a staple article or commodity of commerce suitable for substantial noninfringing use.

81. On information and belief, Defendant is aware and specifically intends that the ordinary and customary use of the Accused Products infringes the '223 patent. Defendant provides customers and other third parties with product manuals, technical information, and instructions that cause such customers and third parties to operate the Accused Products according to their ordinary and customary use. On information and belief, Defendant's customers and other third parties directly infringe the '223 patent through the normal and customary use of the Accused Products. 82. CGI has been and continues to be damaged by Defendant's infringement of the '223 patent.

83. Based on at least the prior litigation, the Agreement between NSC and CGI, and the correspondence regarding NSC's willful breach of its Agreement with CGI, on information and belief, NSC's infringement of the '223 patent is and has been egregious and willful. At a minimum, NSC became aware of the '223 patent and the fact that the Accused Products infringe the '223 patent as of the filing of this suit. CGI is therefore entitled to enhanced damages under 35 U.S.C. § 284 and reasonable attorneys' fees and costs.

84. With no adequate remedy at law, CGI is entitled to injunctive relief, as it will continue to suffer irreparable harm, including loss of garage door opener sales and installations, loss of sales of related services and accessories, and harm to its reputation and brands, if Defendant's infringement of the '223 patent is not enjoined.

85. For all the reasons stated above, Defendant's conduct in infringing the '223 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

COUNT 3 – INFRINGEMENT OF THE '052 PATENT

86. CGI realleges and incorporates by reference each of the preceding paragraphs.

87. On information and belief, Defendant, directly or through the actions of its employees, divisions, and/or subsidiaries, has infringed and continues to infringe at least claim 1 of the '052 patent directly, literally, and/or by equivalents under 35 U.S.C. § 271(a) by, among other things, importing the Accused Products and making, using, offering for sale, and selling the Accused Products in the United States.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

17

18

19

21

22

23

25

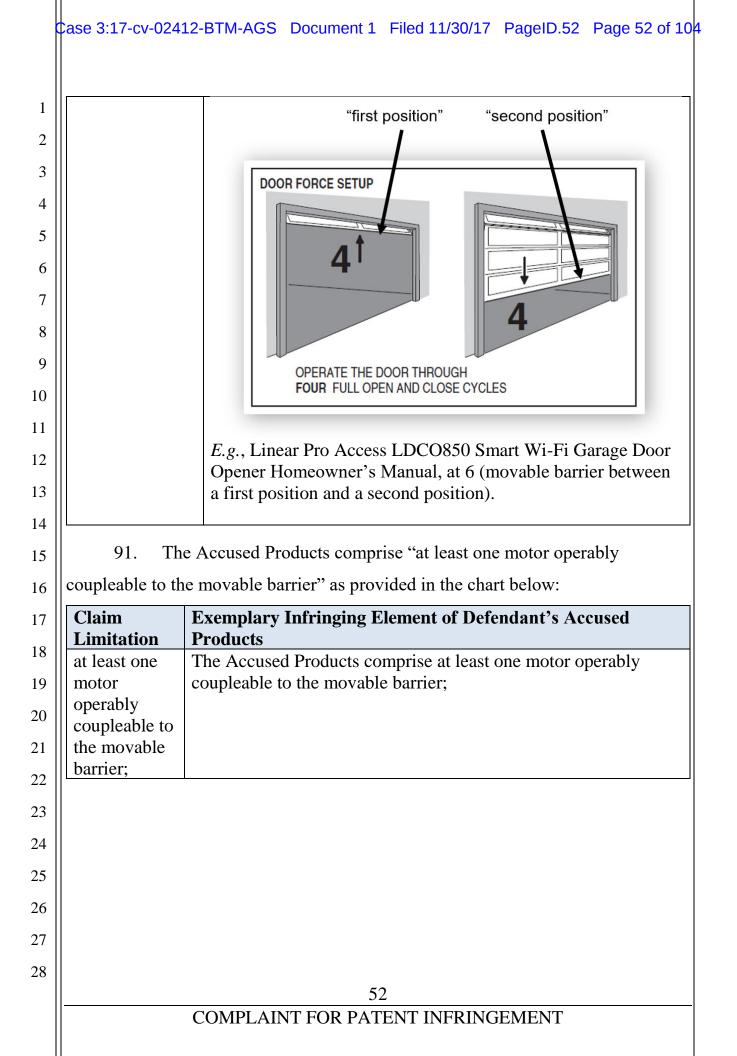
27

28

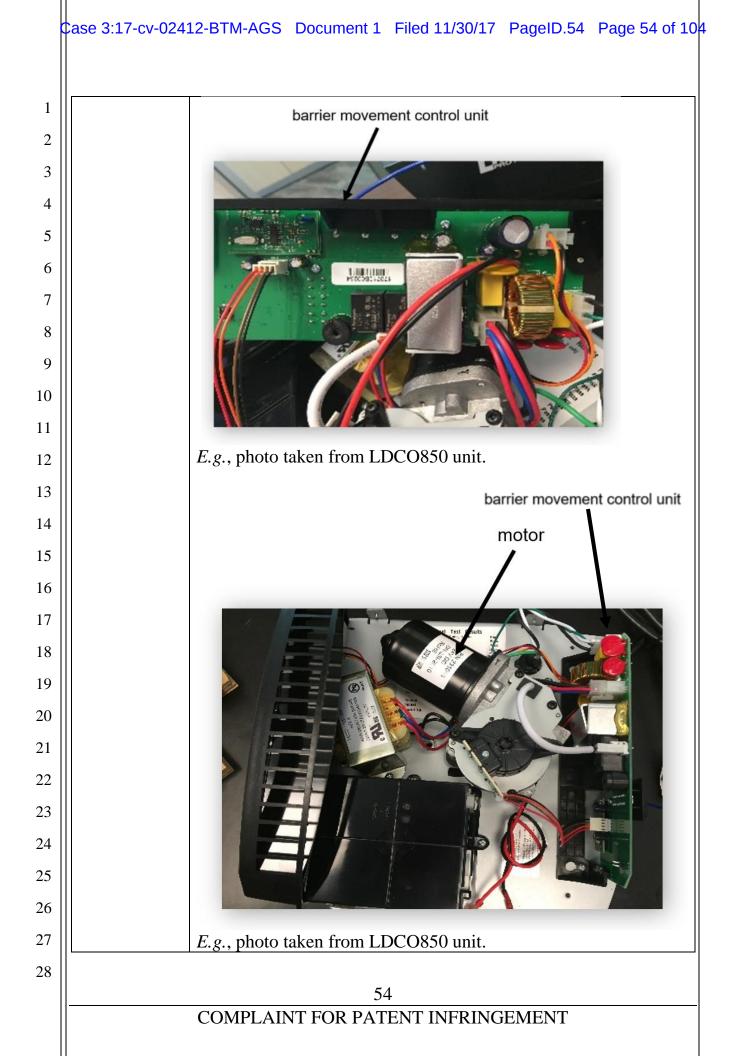
88. The Accused Products comprise an apparatus for use with a movable barrier, as recited in the claims of the '052 patent. For instance, claim 1 of the '052 patent recites: An apparatus for use with a movable barrier comprising: at least one motor operably coupleable to the movable barrier; a barrier movement control unit operably coupled to the at least one motor, which barrier movement control unit includes: a processor operably coupled to receive information regarding at least some forces acting upon the movable barrier when the movable barrier is moving and being arranged and configured to automatically determine at least one force threshold during a first mode of operation for use by the barrier movement control unit when controlling the motor in a second mode of operation; and a user manipulable force threshold modification control having an output that provides force threshold modification information for use by the barrier movement control unit when controlling the motor in the second mode of operation. 89. The following tables provide a representative example charting how the LDCO850, which is representative of the Accused Products, practices each and every limitation of representative claim 1 of the '052 patent. This demonstration 16 of infringement is offered by way of example only and without limitation to CGI's ability to demonstrate Defendant's direct or indirect infringement of additional '052 patent claims, including by making, using, selling, offering for sale, or 20 importing additional products or inducing or contributing to such acts. The Accused Products are "apparatus for use with a movable barrier" 90. as provided in the chart below: **Exemplary Infringing Element of Defendant's Accused** Claim Limitation **Products** 24 The Accused Products are apparatus for use with a movable An apparatus barrier: for use with a movable barrier 26 comprising:

COMPLAINT FOR PATENT INFRINGEMENT

| Installer's Contact Information: |
|--|
| |
| Smart Wi-Fi Garage Door Opener |
| Homeowner's Manual |
| Linear |
| |
| Awarning To reduce the risk of injury to persons – Use this opener only with sectional residential overhead doors. |
| Do not use on one piece or swing doors. Please read this manual and included safety information carefully. After the appendix location process was smart above to be appendix. |
| After the opener is installed and working properly, use your smart phone to download, and activate the Linear PRO Access Smart Control app (page 10). |
| Important Safety Information |
| Adjusting the Open and Close Limits |
| Programming Reveal Station page 9 Programming Keypad Codes |
| Maintenance |
| LISTED Copyright© 2017 GTO Access Systems, LLC Printed in China for GTO Access Systems, LLC. Document Number: 10014541 REV-D (07-11-17) |
| |
| E.g., Linear Pro Access LDCO850 Smart Wi-Fi Garage Door |
| Opener Homeowner's Manual, at cover ("Smart Wi-Fi Garag Door Opener"). |
| |
| |
| |
| |
| |
| |
| |
| |
| 51 |



1 motor 2 3 4 5 6 7 8 9 10 11 12 13 14 *E.g.*, photo taken from LDCO850 unit. 15 92. The Accused Products comprise "a barrier movement control unit 16 operably coupled to the at least one motor, which barrier movement control unit 17 includes" as provided in the chart below: 18 Claim **Exemplary Infringing Element of Defendant's Accused** 19 Limitation **Products** 20 a barrier The Accused Products comprise a barrier movement control unit 21 operably coupled to the at least one motor, which barrier movement movement control unit includes: control unit 22 operably 23 coupled to the at least 24 one motor, 25 which barrier movement 26 control unit 27 includes: 28 53 COMPLAINT FOR PATENT INFRINGEMENT



93. The Accused Products comprise "a processor operably coupled to receive information regarding at least some forces acting upon the movable barrier when the movable barrier is moving and being arranged and configured to automatically determine at least one force threshold during a first mode of operation for use by the barrier movement control unit when controlling the motor in a second mode of operation" as provided in the chart below:

1

2

3

4

5

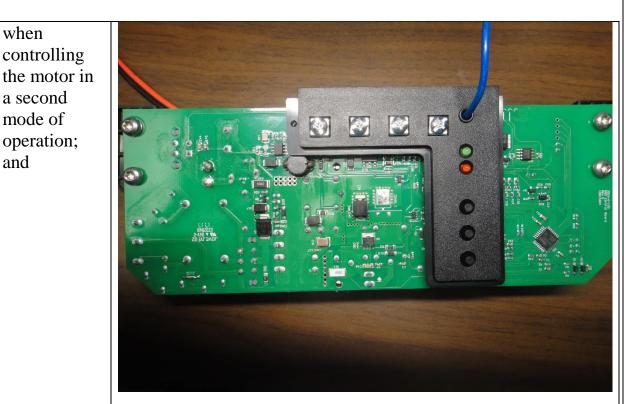
6

Exemplary Infringing Element of Defendant's Accused Claim 7 **Products** Limitation 8 The Accused Products comprise a processor operably coupled to a processor receive information regarding at least some forces acting upon 9 operably coupled to the movable barrier when the movable barrier is moving and 10 receive being arranged and configured to automatically determine at least one force threshold during a first mode of operation for use by information 11 the barrier movement control unit when controlling the motor in a regarding at 12 least some second mode of operation: 13 forces acting upon the 15 Automatic Door Force Setup 14 movable The operator automatically measures the door force throughout the entire travel of the door each time the operator cycles. The following steps are all that's required to setup the safety reversal system. 15 barrier when **Automatic Door Force Setup** 1 Be sure that the trolley latch is up and the door is DOOR FORCE SETUP the movable connected to the operator. 16 CAUTIO barrier is 4 Do not cycle the operator full travel without 17 moving and the door connected. The automatic door force setting will adjust to the unloaded conditior being and may trip the safety system when the doo 18 is reconnected. arranged and OPERATE THE DOOR THROUGH 2 Operate the door through four complete open and FOUR FULL OPEN AND CLOSE CYCLES 19 configured to close cycles automaticall 20y determine E.g., Linear Pro Access LDCO850 Smart Wi-Fi Garage Door 21 at least one Opener Installation Instructions, at 3 ("Automatic Door Force force Setup"). 22 threshold 23 during a first On information and belief, the processor is coupled to a current mode of sensor, and sends information about current to the processor. On 24 operation for information and belief, the current information is proportional to 25 use by the the torque used to move the garage door. barrier 26 movement 27 control unit 28 55 COMPLAINT FOR PATENT INFRINGEMENT

tase 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.56 Page 56 of 104

when

and



E.g., photo taken from LDCO850 unit (showing processor to current sensor through a circuit board).

The Accused Products comprise "a user manipulable force threshold 94. modification control having an output that provides force threshold modification information for use by the barrier movement control unit when controlling the motor in the second mode of operation" as provided in the chart below:

| Claim Exemplary Infringing Element of Defendant's Accused | | | | |
|---|---|--|--|--|
| Limitation Products | | | | |
| a user | The Accused Products comprise a user manipulable force | | | |
| manipulable | threshold modification control having an output that provides | | | |
| force threshold | force threshold modification information for use by the | | | |
| modification | barrier movement control unit when controlling the motor in | | | |
| control having an | an the second mode of operation: | | | |
| output that | | | | |
| provides force | | | | |
| threshold | | | | |
| modification | | | | |
| | | | | |
| | | | | |
| 56 | | | | |

| 1 2 3 4 5 6 7 8 9 0 | information for use by the barrier movement control unit when controlling the motor in the second mode of operation. | 17 Adjusting the Force Factor (Installation Option, Normally Not Used) The operator uses the peak force measured during each of the last four complete cycles plus a "force factor" to calculate the maximum force setting is exceeded during the current door cycle, the operator reacts to the obstruction. As door hardware conditions change over time with weather and wear, the calculation of the maximum door force setting using the four cycle running average will compensate for the current conditions of the installation. Re dor force is preset for the lowest amount of pressure on an obstacle to detect an obstruction. THE FACTORY SETTING IS OPTIMIZED FOR MOST INSTALLATIONS. Maging the Core Factor Setting As an installation option, the operator's "force factor" can be adjusted to change the amount of pressure exerted on an obstacle before the operator reacts to the obstruction. The react before the operator reacts to the obstruction. • Press both the UP and DOWN buttons for three seconds. The red and green indicators and operator's light will fash twice. • Use the UP or DOWN buttons to set the force factor. Pressing the UP button increases the force factor, pressing the DOWN button decreases the force factor. FORCE FACTOR INDICATOR TABLE GREEN ON LOW FORCE FACTOR NED ON HIGH FORCE FACTOR NED ON |
|--|---|--|
| 1 2 3 | | <i>E.g.</i> , Linear Pro Access LDCO850 Smart Wi-Fi Garage Door Opener Installation Instructions, at 3 ("Adjusting the Force Factor"). |
| 4 | 95. On info | rmation and belief, based on at least the prior litigation, the |
| 5 | Agreement between | NSC and CGI, and the correspondence regarding NSC's |
| 6 | willful breach of its . | Agreement with CGI, NSC was aware of CGI patents beyond |
| 7 | the Licensed Patents | , including the Asserted Patents, before the filing of this suit. |
| 8 | 96. On info | rmation and belief, Defendant has induced and continues to |
| 9 | induce infringement | of one or more claims of the '052 patent under 35 U.S.C. |
| 20 | § 271(b). On inform | ation and belief, Defendant actively, knowingly, and |
| 21 | intentionally induces | s, and will continue to actively, knowingly, and intentionally |
| 22 | induce infringement | of the '052 patent by selling or otherwise supplying the |
| 3 | Accused Products w | ith the knowledge and intent that third parties will import |
| 24 | and/or use the Accus | sed Products to infringe the '052 patent, and with the |
| 25 | knowledge and inten | t to encourage and facilitate third party infringement through |
| | the importation and/ | or dissemination of the Accused Products and the creation or |
| 6 | 1 | |
| 26 27 | 1 | |

dissemination, through its websites and other sources, of promotional materials,instructions, product manuals, and/or technical information related to the AccusedProducts.

97. On information and belief, Defendant has contributorily infringed, and continues to contributorily infringe, one or more claims of the '052 patent under 35 U.S.C. § 271(c). On information and belief, Defendant has sold or offered to sell within the United States or imported into the United States the Accused Products, and Defendant continues to offer to sell or sell within the United States or import into the United States the Accused Products with the knowledge that the Accused Products are especially made or especially adapted for use in an infringement of the '052 patent. On information and belief, the Accused Products are not a staple article or commodity of commerce suitable for substantial noninfringing use.

98. On information and belief, Defendant is aware and specifically intends that the ordinary and customary use of the Accused Products infringes the '052 patent. Defendant provides customers and other third parties with product manuals, technical information, and instructions that cause such customers and third parties to operate the Accused Products according to their ordinary and customary use. On information and belief, Defendant's customers and other third parties directly infringe the '052 patent through the normal and customary use of the Accused Products.

99. CGI has been and continues to be damaged by Defendant's infringement of the '052 patent.

100. Based on at least the prior litigation, the Agreement between NSC and CGI, and the correspondence regarding NSC's willful breach of its Agreement with CGI, on information and belief, NSC's infringement of the '052 patent is and has been egregious and willful. At a minimum, NSC became aware of the '052 patent and the fact that the Accused Products infringe the '052 patent as of the

COMPLAINT FOR PATENT INFRINGEMENT

filing of this suit. CGI is therefore entitled to enhanced damages under 35 U.S.C. §
 284 and reasonable attorneys' fees and costs.

101. With no adequate remedy at law, CGI is entitled to injunctive relief, as it will continue to suffer irreparable harm, including loss of garage door opener sales and installations, loss of sales of related services and accessories, and harm to its reputation and brands, if Defendant's infringement of the '052 patent is not enjoined.

102. For all the reasons stated above, Defendant's conduct in infringing the '052 patent renders this case exceptional within the meaning of 35 U.S.C. § 285.

10

3

4

5

6

7

8

9

11

12

13

14

15

16

17

18

19

20

21

22

DAMAGES AND RELIEF

103. As a consequence of Defendant's infringement of the Asserted Patents, CGI has been damaged in an amount not yet determined and will suffer additional irreparable damage unless Defendant's infringing acts are enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, CGI requests that the Court enter judgment in its favor and against Defendant as follows:

 a. Determine that Defendant has infringed and continue to infringe one or more claims of the Asserted Patents;

b. Enter a preliminary and permanent injunction prohibiting Defendant, its subsidiaries, divisions, agents, servants, employees, and all those acting in concert with and/or who are in privity with Defendant and/or any of the foregoing from infringing and/or inducing infringement of the Asserted Patents, and for all further proper injunctive relief;

c. Order Defendant to account for and pay to CGI all damages suffered by CGI as a result of Defendant's infringement of the Asserted

COMPLAINT FOR PATENT INFRINGEMENT

| | Case 3:17-cv-024 | 12-BTM-AGS | Document 1 | Filed 11/30/17 | PageID.60 | Page 60 of 104 |
|--------|--------------------|------------------|-----------------|------------------------------------|--------------|----------------|
| 1 2 | by | the Court; | | nd post-judgmen | | |
| 3 | d. Tro | ebling or othe | erwise increas | ing CGI's dama | ages under 3 | 5 U.S.C. § |
| 4 | 284 | 4 on the grou | nds that Defer | ndant's infringe | ement of one | or more of |
| 5 | the | e Asserted Pat | ents was deli | berate and willf | ul; | |
| 6 | e. De | claring that the | his case is exc | eptional and av | varding CGI | their costs |
| 7 | and | d reasonable a | attorneys' fee | s in accordance | with 35 U.S | S.C. § 285; |
| 8 | and | d | | | | |
| 9 | f. Gr | ant any and a | ll such further | relief as the C | ourt deems j | ust and |
| 10 | pro | oper. | | | | |
| 11 | | | JURY DI | EMAND | | |
| 12 | Pursuant | to Rule 38 of | the Federal F | Rules of Civil P | rocedure, C | GI hereby |
| 13 | requests a trial l | by jury for all | issues so tria | ble. | | |
| 14 | | | | | | |
| 15 | Dated: Novem | ber 30, 2017 | | <u>C. Marcus</u> | | |
| 16 | | | David | C. Marcus | | |
| 17 | | | William I | | | |
| 18 | | | | Lee@wilmerha ar No. 291960) | | |
| 19 | | | , | . Ellsworth | | |
| 20 | | | | llsworth@wilm | | |
| 21 | | | , | ar No. 665232) Cutler Pickering | | orr LLP |
| 22 | | | 60 State S | Street | , mare und D | |
| 22 | | | | MA 02109 | 5000 | |
| | | | - | e: +1 617 526 6 e: +1 617 526 5 | | |
| 24 | | | | | | |
| 25 | | | | Marcus (SBN arcus@wilmerh | / | |
| 26 | | | | Dowd (SBN 2 | | |
| 27 | | | | | | |
| 28 | | | 60 |) | | |
| | | COMPLAR | |) ENT INFRINC | EMENT | |
| | | | | (| . – | |

| | Case 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.61 Page 61 of 104 |
|-------------|---|
| 1 2 3 | James.Dowd@wilmerhale.com Wilmer Cutler Pickering Hale and Dorr LLP 350 South Grand Avenue, Suite 2100 Los Angeles, CA 90071 |
| 4 | Telephone: +1 213 443 5300 Facsimile: +1 213 443 5400 |
| 5 | Attorneys for Plaintiff |
| 6 | THE CHAMBERLAIN GROUP, INC. |
| 7 | |
| 8 9 | |
| 10 | |
| 11 | |
| 12 | |
| 13 | |
| 14 | |
| 15 | |
| 16 | |
| 17 | |
| 18 | |
| 19 20 | |
| 20 | |
| 22 | |
| 23 | |
| 24 | |
| 25 | |
| 26 | |
| 27 | |
| 28 | 61 |
| | COMPLAINT FOR PATENT INFRINGEMENT |
| | |

Case 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.62 Page 62 of 104

EXHIBIT INDEX

1

2

| 2 | | | |
|----|---------|----------------------------|-------|
| 3 | EXHIBIT | PAGES | |
| 4 | 1 | DESCRIPTIONU.S. Patent No. | 1-15 |
| 5 | | 8,587,404 | |
| 6 | 2 | U.S. Patent No. 7,755,223 | 16-32 |
| 7 | 3 | U.S. Patent No. | 33-42 |
| | | 6,741,052 | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| 12 | | | |
| 13 | | | |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | | | |
| | | | |
| 26 | | | |
| 27 | | | |
| 28 | | 62 | |
| | | | |
| 11 | | | |

Case 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.63 Page 63 of 104

EXHIBIT 1

Exhibit 1 Page 1 Case 3:17-cv-02412-BTM-AGS Document 1



US008587404B2

(12) United States Patent

Laird

(54) MOVABLE BARRIER OPERATOR AND TRANSMITTER WITH IMMINENT BARRIER MOVING NOTIFICATION

- (75) Inventor: Edward T. Laird, Lombard, IL (US)
- (73) Assignee: The Chamberlain Group, Inc., Elmhurst, IL (US)
- (*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1079 days.
- (21) Appl. No.: 12/409,584
- (22) Filed: Mar. 24, 2009

(65) **Prior Publication Data**

US 2010/0242369 A1 Sep. 30, 2010

- (51) Int. Cl. *B60R 25/00* (2013.01)

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

| 5,565,843 | Α | * 10/1996 | Meyvis 340/691.6 |
|-----------|-----------------|-----------|--------------------------|
| 6,239,569 | B1 ⁻ | * 5/2001 | Fitzgibbon et al 318/480 |

(10) Patent No.: US 8,587,404 B2

(45) **Date of Patent:** Nov. 19, 2013

| 6,278,249 | B1 * | 8/2001 | Fitzgibbon et al 318/268 |
|--------------|--------|---------|--------------------------|
| 6,308,083 | B2 * | 10/2001 | King 455/556.1 |
| 6,326,754 | B1 | 12/2001 | Mullet et al. |
| 7,038,409 | B1 | 5/2006 | Mullet |
| 7,315,143 | B2 | 1/2008 | Mullet et al. |
| 2005/0012631 | A1* | 1/2005 | Gregori et al 340/686.1 |
| 2005/0024230 | A1* | 2/2005 | Chuey 340/825.72 |
| 2005/0176400 | A1 $*$ | 8/2005 | Mullet et al 455/403 |
| 2006/0158339 | A1 $*$ | 7/2006 | Brundula 340/686.1 |

* cited by examiner

Primary Examiner — Steven Lim

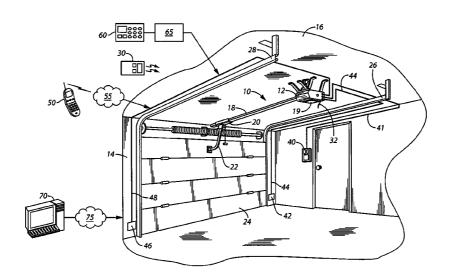
Assistant Examiner — Sisay Yacob

(74) Attorney, Agent, or Firm—Fitch, Even, Tabin & Flannery LLP

(57) ABSTRACT

A movable barrier system with a moving-barrier imminent motion notification includes a movable barrier and a movable barrier operator connected to control movement of the movable barrier between a first position and a second position. To reduce user dissatisfaction with the moving-barrier imminent motion notification, communications to the movable barrier operator include information to assist the operator in determining whether to operate the moving-barrier imminent motion notification in combination with moving the door or to specifically command that the moving-barrier imminent motion notification operate or not. The communication may include a signal or input separate from and in addition to a typical command signal or input to the operator. By other approaches, the method of communication can provide information to the operator with respect to operation of the moving-barrier imminent motion notification, or a transmitter identifier can provide information with respect to operation of the moving-barrier imminent motion notification.

22 Claims, 4 Drawing Sheets

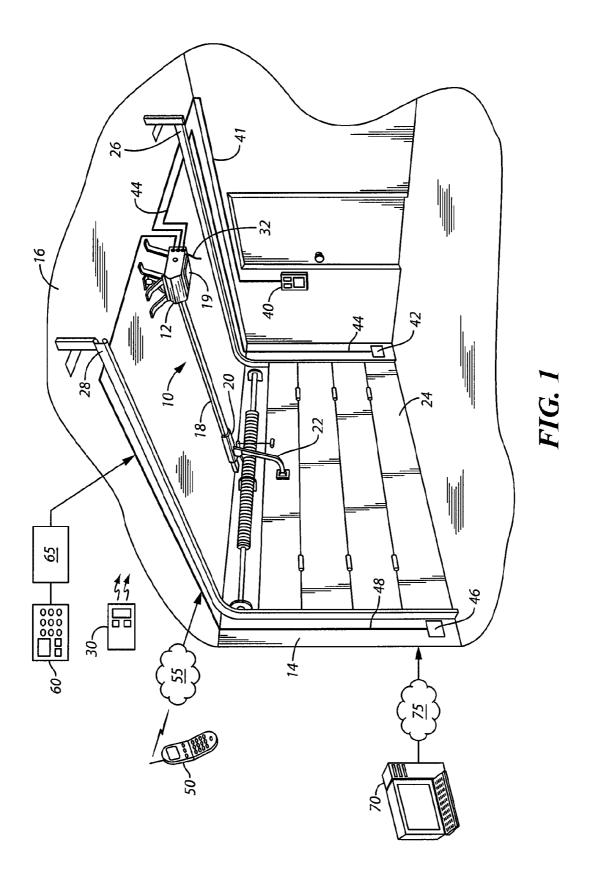


U.S. Patent

Nov. 19, 2013

Sheet 1 of 4

US 8,587,404 B2

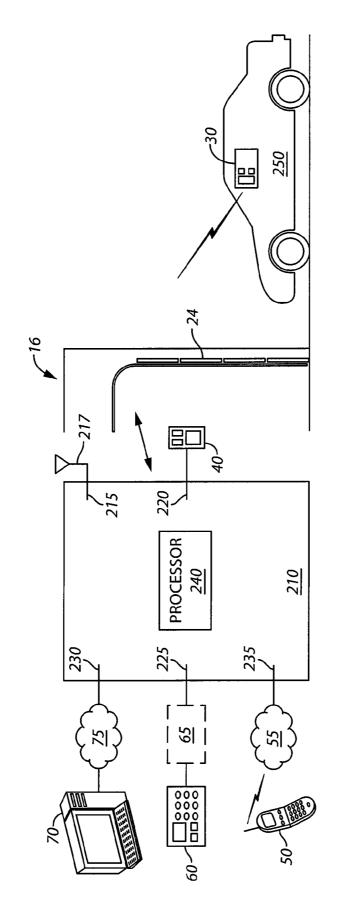




Nov. 19, 2013

Sheet 2 of 4

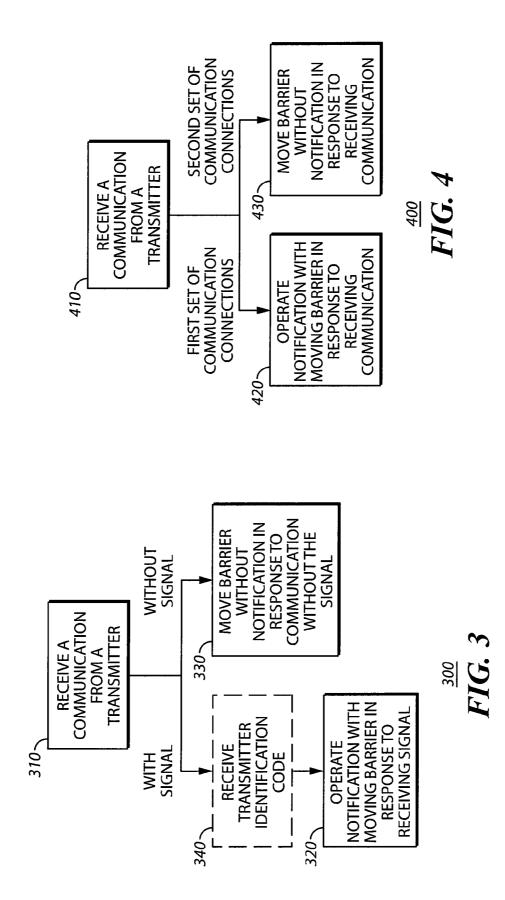
US 8,587,404 B2







Sheet 3 of 4





Nov. 19, 2013

Sheet 4 of 4

US 8,587,404 B2

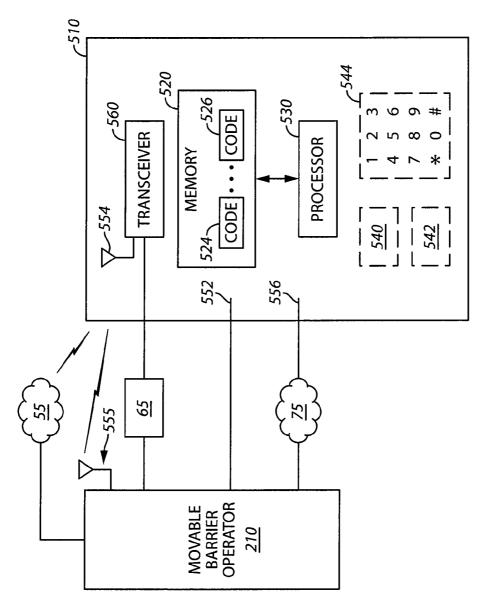


FIG. 5

5

10

55

MOVABLE BARRIER OPERATOR AND TRANSMITTER WITH IMMINENT BARRIER MOVING NOTIFICATION

TECHNICAL FIELD

This invention relates generally to barrier movement operators and more specifically to the operation of barrier movement operators with imminent barrier moving notification systems.

BACKGROUND

Systems for operating and controlling various types of barriers such as garage doors, swing gates, sliding gates, and ¹⁵ the like are well known. To increase security, movable barrier systems have been developed that include an auto-close feature such that barriers that remain open for a given amount of time without user input are automatically closed. Such systems may also include an imminent moving notification sys-²⁰ tem designed to alert people both prior to and during the door's closing so that people may avoid the closing door. Timer-to-close with imminent moving notification has been in operators for years.

In addition to the possibility of the auto-close feature, the ²⁵ movable barrier systems may be configured to be operated by a user from a distance or a location that is remote from the barrier. In such a circumstance, the user may not know whether any people are in the vicinity of a barrier actuated to move by the user. For example, a movable barrier system may ³⁰ be configured to be operated via a security system that a user can access via a centralized control, the Internet, or a conventional mobile communication device. In such systems, the user may be able to close a barrier without having any information regarding people that may be located next to the ³⁵ barrier. In such circumstances, it is advantageous to include the notification feature to warn those near the barrier of the barrier's imminent movement when actuated to move by a user that is not present at the barrier.

Such imminent movement notification, however, typically ⁴⁰ include a delay in barrier motion in addition to light provision, sound provision, or partial movement of the barrier as a notification of imminent barrier movement. The operator or user of the movable barrier system may be located near the door such that delay in the operation of the movable barrier ⁴⁵ system can result in user frustration because the user will typically expect immediate operation of the movable barrier operator upon actuation by the user. Therefore, there is a need to differentiate inputs that are received locally or within sight of the operator (either physically or by a camera) as opposed ⁵⁰ to inputs that can be generated from a long distance or not within sight of the operator.

SUMMARY

Generally speaking, pursuant to these various embodiments, a movable barrier system with a moving-barrier imminent motion notification includes a movable barrier and a movable barrier operator connected to control movement of the movable barrier between a first position and a second 60 position. To reduce user dissatisfaction with the movingbarrier imminent motion notification, communications to the movable barrier operator include information to assist the operator in determining whether to operate the moving-barrier imminent motion notification in combination with mov-51 ing the door or to specifically command that the movingbarrier imminent motion notification to operate or not. The 2

communication may include a signal or input separate from and in addition to a typical command signal or input to the operator. By another approach, the method of communication can provide information to the operator with respect to operation of the moving-barrier imminent motion notification. By still another approach, a transmitter identifier can provide information to the operator with respect to operation of the moving-barrier imminent motion notification. Other approaches are possible as may become apparent through study of the following disclosure.

The movable barrier operator in one example is configured to receive a first command from a transmitter and to move the movable barrier in combination with operating a movingbarrier imminent motion notification in response to receipt of the first command. The movable barrier operator is also configured to receive a second command and to move the movable barrier without operating the moving-barrier imminent motion notification in response to receipt of the second command. By one approach, the first command comprises a signal that triggers operation of the moving-barrier imminent motion notification. The signal can be at least one selected from the group consisting of a transmission method identification code, a code value, a code format, a signal frequency, and a signal modulation to evidence that the command is coming from a remote location where the user is unlikely to be in visual contact with the movable barrier. So configured, the movable barrier operator may operate with or without operating the moving-barrier imminent motion notification based upon the type of commands received by the movable barrier operator.

By another approach, the movable barrier operator is configured to receive a transmitter identification code from a transmitter as part of a communication from the transmitter. The transmitter identification code helps the movable barrier operator to determine whether to move the movable barrier in combination with operating a moving-barrier imminent motion notification in response to receipt of a command based at least in part on the transmitter identification code. The movable barrier operator is configured to determine whether to move the movable barrier without operating the moving-barrier imminent motion notification based at least in part on the transmitter identification code. Typically, the movable barrier operator is configured to move the movable barrier in combination with operating the moving-barrier imminent motion notification when the transmitter identification code indicates that the transmitter is located remotely of the movable barrier.

By still another approach, a movable barrier system with a moving-barrier imminent motion notification includes a movable barrier and a movable barrier operator connected to control movement of the movable barrier between a first position and a second position. The movable barrier operator in this approach includes a communication connection comprising at least one of a direct wireless connection to a transmitter, a local wire connection, a system wired connection, a network connection, and a wireless communication system connection. The movable barrier operator also includes a processor configured to receive a command from the communication connection. In response to receiving the command from one of the system wired connection, the network connection, and the wireless communication system connection, the processor is configured to move the movable barrier operator in combination with operating a moving-barrier imminent motion notification in response to receipt of the command. The processor is also configured to operate the movable barrier operator in response to receiving the command from the direct wireless connection to the transmitter

and the local wire connection without operating the movingbarrier imminent motion notification. In this approach, by determining how the command was received, via the communication connection, the movable barrier operator may operate either with or without the moving-barrier imminent 5 motion notification. For instance, by receiving the command to operate via a local wire connection, it is likely that a user is in visual contact with the movable barrier such that operating the movable barrier operator in conjunction with operating the moving-barrier imminent motion notification is not 10 needed. Similarly, the movable barrier operator may be operated in combination with the moving-barrier imminent motion notification when the processor receives a command via a network connection because it is likely that the user is not in visual communication with the movable barrier when 15 operating the system via network connection.

A method of operating a movable barrier system with a moving-barrier imminent motion notification includes operating the movable barrier systems described above. For example, one method of operating a movable barrier system 20 with a moving-barrier imminent motion notification includes receiving a communication at one of a plurality of communication connections comprising at least a first set of communication connections and a second set of communication connections. The method includes operating the moving-barrier 25 imminent motion notification in combination with moving the movable barrier in response to receiving the communication over one of the first set of communication connections and operating the movable barrier system without operating the moving-barrier imminent motion notification in response 30 to receiving the communication over one of the second set of communication connections. So configured, the movable barrier system will operate or move the movable barrier in combination with the moving-barrier imminent motion notification based on which type of communication connection over 35 which the system received the command to operate.

Another approach to the method includes the steps of receiving a communication from a transmitter and operating the moving-barrier imminent motion notification in combination with moving the movable barrier in response to receiv- 40 ity to selectively use the moving-barrier imminent motion ing a signal with the communication from the transmitter. This method includes moving the movable barrier in response to receiving the communication without operating the moving-barrier imminent motion notification when receiving the communication without the signal from the transmitter. In 45 this approach, the signal with the communication may comprise a code, a transmitter identification code, or a type of signal modulation that indicates to the movable barrier system that the communication was likely sent by the user from a position where the user is not in visual contact with the 50 movable barrier.

One approach to a transmitter for use with a movable barrier system with a moving-barrier imminent motion notification includes a memory that stores at least a first code containing a command to effect an action by the movable 55 barrier system and a second code containing information regarding the transmitter. A processor is configured to send a communication containing at least in part the first code and the second code in response to a user command. The communication is configured to trigger the action by the movable 60 barrier operator and to provide the information regarding the transmitter to the movable barrier operator to determine whether to move the movable barrier with or without operating the moving-barrier imminent motion notification. The second code is any type of code, transmitter identification, or 65 signal formatting that would provide information to the movable barrier operator regarding whether to move the movable

4

barrier in combination with operating the moving-barrier imminent motion notification, for example, in a situation where the user is likely to not be in visual contact with the movable barrier.

An example method of operating a transmitter for use with a movable barrier system with a moving-barrier imminent motion notification includes operating the transmitter described above. By one approach, the method includes receiving a user input and sending, in response to receiving the first user input, a communication configured to trigger the movable barrier operator to move a movable barrier. The communication also provides information regarding the transmitter to the movable barrier operator to determine whether to move the movable barrier with or without operating the moving-barrier imminent motion notification.

By another approach, the method may include receiving a first user input and sending, in response to receiving the first user input, a communication configured to trigger the movable barrier operator to move a movable barrier in combination with operating the moving-barrier imminent motion notification. The method also includes receiving a second user input and sending, in response to the receiving the second user input, a second communication configured to trigger the movable barrier operator to operate without operating the moving-barrier imminent motion notification. So configured, the first communication triggers the movable barrier operator to operate without activating the moving-barrier imminent motion notification in situations where it is likely that the user is in visual contact with the movable barrier or would prefer to not have the movable barrier imminent motion notification activated so as to reduce user annoyance with the movingbarrier imminent motion notification. The second communication indicates to the movable barrier operator that the user is either not in visual contact either locally or via a camera with the movable barrier or would prefer to operate the movable barrier operator in conjunction with the moving-barrier imminent motion notification.

So configured, a movable barrier system provides the abilnotification in combination with moving a barrier. User annoyance with the moving-barrier imminent motion notification as may occur when the imminent motion notification includes a delay in moving the movable barrier can thereby be reduced by eliminating (or at least reducing) the delay when the user can likely see the moving barrier. Such a system may still operate a moving-barrier imminent motion notification when the user is not in visual contact with the moving door, for example, when the user is located in a remote location or operating the door via a security system. These and other benefits may become clearer upon making a thorough review and study of the following detailed description.

BRIEF DESCRIPTION OF THE DRAWINGS

The above needs are at least partially met through provision of the movable barrier operator and transmitter with barrier imminent motion notification described in the following detailed description, particularly when studied in conjunction with the drawings, wherein:

FIG. 1 comprises a perspective view of a garage and various transmitters as may communicate with a movable barrier operator as configured in accordance with various embodiments of the invention:

FIG. 2 comprises a diagram of a movable barrier system configured in accordance with various embodiments of the invention;

35

FIG. **3** comprises a flow diagram of an example method of operation of a movable barrier system with a moving-barrier imminent motion notification as configured in accordance with various embodiments of the invention;

FIG. **4** comprises a flow diagram of another example ⁵ method of operation of a movable barrier system with a moving-barrier imminent motion notification as configured in accordance with various embodiments of the invention; and

FIG. **5** comprises a block diagram of a transmitter configured to work with a movable barrier system with a moving-¹⁰ barrier imminent motion notification as configured in accordance with various embodiments of the invention.

Skilled artisans will appreciate that elements in the figures are illustrated for simplicity and clarity and have not necessarily been drawn to scale. For example, the dimensions and/ 15 or relative positioning of some of the elements in the figures may be exaggerated relative to other elements to help to improve understanding of various embodiments of the present invention. Also, common but well-understood elements that are useful or necessary in a commercially feasible 20 embodiment are often not depicted in order to facilitate a less obstructed view of these various embodiments. It will further be appreciated that certain actions and/or steps may be described or depicted in a particular order of occurrence while those skilled in the art will understand that such specificity 25 with respect to sequence is not actually required. It will also be understood that the terms and expressions used herein have the ordinary technical meaning as is accorded to such terms and expressions by persons skilled in the technical field as set forth above except where different specific meanings have 30 otherwise been set forth herein.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT(S)

Referring now to the drawings, especially FIG. 1, an example movable barrier system 10 including a movable barrier operator 12, here a head unit, mounted within a garage 14 and employed for controlling the opening and closing of the movable barrier 24, here a garage door, is generally shown. 40 The movable barrier operator 12 is mounted to the ceiling 16 of the garage 14. The movable barrier operator 12 includes a motor and an operator controller for controlling electrical power supplied to the motor. The operator controller for the movable barrier system 10 responds to various inputs by 45 starting and stopping the motor, which is used to move the barrier, and by turning a light 19 on and off. Extending from the movable barrier operator 12 is a rail 18 having a releasable trolley 20 attached thereto and arm 22 extending from the trolley 20 to a multiple paneled garage door 24 positioned for 50 movement along a pair of door rails 26 and 28. The movable barrier operator 12 transfers the garage door 24 between open and closed positions for allowing access to and from the garage 14.

For safety purposes, an optical emitter **42** and optical 55 detector **46** are provided. These are coupled to the movable barrier operator **12** by a pair of wires **44** and **48**. The emitter **42** and detector **46** are used to provide safety of operation in barrier movement. To provide such safety of operation, the controller responds to the emitter **42** and detector **46** and will 60 reverse and open the door if an obstruction is sensed in the doorway.

At least one wireless transmitter unit **30** is adapted to send signals to the antennas **32** positioned in, on, or extending from the movable barrier operator **12**. The antenna **32** is coupled to 65 a receiver located within the movable barrier operator **12**. A wall mounted wired transmitter **40**, which may include any

6

number of switches as required for a given system, is mounted on a wall of the garage 14. The wired transmitter 40 communicates with the movable barrier operator 12 through a direct physical wired connection 41 to the movable barrier operator 12 using any commonly known method of communication, including serial bus communication. A variety of other communication options may be available to allow a user to communicate with and control the movable barrier system 10. By one example, a mobile communication device 50 is configured to send signals through a wireless communication network 55 to the movable barrier operator 12 to control operation of the movable barrier system 10. Mobile communication devices 50 such as mobile phones and other mobile devices are known. Another example includes a security system interface 60 configured to send signals via a security system 65, such as a home security system or other building security system, to the movable barrier operator 12 to control operation of the movable barrier system 10. Such communication paths between security systems and mobile barrier operators are readily configurable by one skilled in the art. Still another example includes a networked communication device 70, such as a computer or similar device, that communicates through a network 75, such as the Internet or a local network, to the movable barrier operator 12 to control operation of the movable barrier system 10. Other communication paths and devices are possible. Each of these communication devices can be called a transmitter in that each transmits signals to the movable barrier operator 12, and the communication path for each device to the movable barrier system 10 is readily configurable by those skilled in the art.

An additional security/convenience feature is the provision of an overhead light **19** (also sometimes referred to as a workspace light). The movable barrier operator **12** includes an overhead light **19** for illuminating the interior of the garage **14** in which the movable barrier operator **12** is located. The light **19** is activated or deactivated either by pressing the appropriate switch on the wall mounted controller **40**, by breaking the optical beam that runs between the optical emitter **42** and the optical detector **46**, or by sending a command from another source.

By one approach, a movable barrier system 10 with a moving-barrier imminent motion notification includes a movable barrier 24 and a movable barrier operator 12 connected to control movement of the movable barrier 24 between a first position and a second position. The movable barrier operator 12 is configured to receive a first command from a transmitter and to move the movable barrier 24 in combination with operating a moving-barrier imminent motion notification in response to receipt of the first command. The moving-barrier imminent motion notification may comprise a number of methods of notification to people in the vicinity of the movable barrier system 10 to indicate that the movable barrier 24 is about to move or is in the process of moving. The moving-barrier imminent motion notification may include, for example, flashing of the light 19, starting and stopping of movement of the door 24, sounding of a noise from a sound emitter (not shown), a combination of the above, or any other method known in the art. The movable barrier operator 12 is also configured to receive a second command and to move the movable barrier 24 without operating the moving-barrier imminent motion notification in response to receipt of the second command.

In one approach, the first command includes a first signal triggering movement of the movable barrier **24** and a second signal triggering operation of the moving-barrier imminent motion notification in combination with movement of the movable barrier **24**. For example, the first signal may be any

10

signal or code that is typically used to trigger the operation of the movable barrier system 10 to move the movable barrier 24 between an open position and a closed position. The second signal in this example may comprise any further signal that indicates to the movable barrier operator 12 to operate the 5 moving-barrier imminent motion notification in combination with movement of the movable barrier 24. The second signal may include at least one of the group consisting of a transmission method identification code, a code value, a code format, a signal frequency, and a signal modulation.

The transmission method identification code comprises a code that identifies to the movable barrier operator 12 the transmission method used to send the signal to the movable barrier operator 12. The transmission method identification code may be included in the information sent from the transmitter to the movable barrier operator 12. For example, the transmission method identification code may be included in an identification code typically sent with almost every communication between the transmitter and the movable barrier operator 12. By another example approach, the transmission 20 method identification code may be sent primarily when the transmission method indicates to the movable barrier operator 12 that the user is not within visual contact with the movable barrier 24. In still another approach, the transmission method identification code may be sent when the trans- 25 mission method indicates to the movable barrier operator 12 that the user is within visual contact with the movable barrier 24

A code value may be a value of a code sent as part of the transmission between the transmitter and the movable barrier 30 operator 12 such that when the movable barrier operator 12 receives the code value, the movable barrier operator 12 is triggered to operate the moving-barrier imminent motion notification in combination with movement of the movable barrier 24. The code value may be included anywhere within 35 the transmission of the information sent by the transmitter to the movable barrier operator 12.

With respect to code formats, for example, fixed code or rolling code formats with and without encryption as known in the art, codes may be sent in a number of formats between 40 communicating devices. One or more particular code formats used for communication between a transmitter and the movable barrier operator 12 may be set aside such that when the movable barrier operator 12 receives a transmission using one of the particular code formats, the movable barrier operator 45 12 operates the moving-barrier imminent motion notification in combination with the movable barrier 24 or otherwise responds in a particular way.

Signals, such as radio frequency or other wireless transmission carriers, may be sent between the transmitter and 50 receiver for the movable barrier operator 12 according to a variety of frequencies or modulations. By one approach, one or more signal frequencies may be set aside such that when the movable barrier operator 12 receives a communication from a transmitter over a particular signal frequency, the 55 movable barrier operator is triggered to operate the movingbarrier imminent motion notification in combination with moving the movable barrier 24. Signals may also be modulated in a number of different ways; thus, the transmitter may be configured to communicate with the movable barrier 60 operator 12 via a variety of signal modulations. One or more of these signal modulations may be set aside such that when the movable barrier operator 12 receives a communication from the transmitter via one of their particular signal modulations, the movable barrier operator 12 is triggered to operate 65 the moving-barrier imminent motion notification in combination with moving the movable barrier 24. For example,

8

should the movable barrier operator 12 receive a communication from a transmitter not using a signal modulation that has been set aside, the movable barrier operator is not triggered to operate the moving-barrier imminent motion notification in combination with moving the movable barrier 24.

In a different approach, a movable barrier system 10 with a moving-barrier imminent motion notification includes a movable barrier 24 and a movable barrier operator 12 connected to control movement of the movable barrier 24 between a first position and a second position. In this approach, the movable barrier operator 12 is configured to receive a transmitter identification code from a transmitter as part of a communication from the transmitter and to determine whether to move the movable barrier 24 in combination with operating the moving-barrier imminent motion notification in response to receipt of a command based at least in part on the transmitter identification code. The movable barrier operator 12 is also configured to determine whether to move the movable barrier 24 without operating the moving-barrier imminent motion notification based at least in part on the transmitter identification code. In this approach, the transmitter identification code communicates to the movable barrier operator 12 a type of transmitter that is used to send the communication. Using this information, the movable barrier operator 12 is able to determine the likelihood that the user is located within sight of the movable barrier 24. As discussed above, the transmitter for any of these approaches may comprise any of the group consisting of a wireless transmitter 30, a wired transmitter 40, a network communication device 70, a mobile communication device 50, and a security system interface 60. From this information, the movable barrier operator 12 can determine whether to operate the movingbarrier imminent motion notification in combination with moving the movable barrier 24 such that should the user be within sight of the movable barrier 24, the moving-barrier imminent motion notification will not be operated in combination with movement of the movable barrier 24. So configured, the movable barrier operator 12 is configured to move the movable barrier 24 in combination with operating a moving-barrier imminent motion notification when the transmitter identification code indicates that the transmitter is located remotely of the movable barrier 24.

With reference to FIG. 2, still another approach to the movable barrier system with a moving-barrier imminent motion notification will be described. In this approach, the movable barrier operator 210 includes a communication connection comprising at least of the group consisting of a direct wireless connection 215 to a transmitter, a local wire connection 220, a system wired connection 225, a network connection 230, and a wireless communication system connection 235. Other communication connections may be possible including any of the known methods of communicating with transmitters to send/receive information at the movable barrier operator 210 to affect control of the operator 210 such as to trigger movement of the movable barrier 24.

The movable barrier operator 210 also includes a processor 240 configured to receive a command from the communication connection. The processor 240 is also configured to move the movable barrier 24 in combination with operating a moving-barrier imminent motion notification in response to receipt of a command from one of the system wired connection 225, the network connection 230 and the wireless communication system connection 235. The processor 240 is also configured to move the movable barrier 24 without operating the moving-barrier imminent motion notification in response to receiving the command from the direct wireless connection **215** to the transmitter and from the local wired connection **220**.

So configured, the movable barrier operator 210 determines from the type of connection over which the communi- 5 cation was received whether to operate the moving-barrier imminent motion notification in combination with moving the movable barrier 24. For instance, communications received from a direct wireless transmitter, for example, a wireless transmitter 30 located in a car 250 communicating 10 directly to the movable barrier operator 210 via its antenna 217 and/or a transceiver (not shown), or from a direct wired connection 220 via a wall mounted wire transmitter 40 located in the garage 16, indicate that the user is likely in visual contact with the movable barrier 24. Therefore, the 15 movable barrier operator 210 operates the movable barrier 24 between the open or closed position without operating the moving-barrier imminent motion notification to reduce user annoyance. When the movable barrier operator 210, however, receives communications over one of the other communica- 20 tion connections, for example, from a computer 70, a security system interface 60, or from a mobile communication device 50, it is likely (or at least more likely) that the user is not in visual contact with the movable barrier 24 when providing that command. Therefore, in those circumstances, the mov- 25 able barrier operator 210 operates the moving-barrier imminent motion notification in combination with moving the movable barrier 24 to alert any people that may be in the vicinity as to the closing of the door 24.

A method of operating the movable barrier system 10 with 30 a moving-barrier imminent motion notification will be described with reference to FIG. 3. An example method 300 includes the step 310 of receiving a communication from a transmitter. The method 300 includes at step 320 operating the moving-barrier imminent motion notification in combi- 35 nation with moving a movable barrier in response to receiving a signal with the communication from the transmitter. At step 330, the method 300 includes moving the movable barrier in response to receiving the communication without the signal from the transmitter. In this approach, the communication 40 received from the transmitter is reviewed to determine whether there is an indication that the moving-barrier imminent motion notification should be operated in response to receipt of the communication. Such a signal may come in a variety of forms. By one approach, the step of receiving the 45 signal with the communication from the transmitter includes receiving one of the group consisting of a transmission method identification code, a code value, a code format, a signal frequency, and a signal modulation, each of which has been described above. The step of receiving the communica- 50 tions from the transmitter may be performed in any one of a number of ways. For example, the step may include receiving a wireless communication at the movable barrier system directly from the transmitter or receiving the communication via a wired connection between the movable barrier system 55 and the transmitter. Another approach includes receiving a communication via a network connection providing a communication path to the movable barrier system from the transmitter. Still another approach includes receiving the communication via a wireless communication system. 60

In still another approach to the method **300** of FIG. **3**, a step **340** of receiving a transmitter identification code that identifies the transmitter type for the transmitter is included. In this approach, the determination of whether to operate a movingbarrier imminent motion notification in combination with 65 moving the movable barrier is based at least in part on the transmitter identification code. In such an approach, the step 10

320 of operating the movable door imminent motion notification with moving the movable barrier in response to receiving the signal is performed when it is determined that the transmitter identification code identifies a transmitter type that is likely to be used by a user that is not in visual contact with or in the vicinity of the movable barrier. Should the transmitter identification code identify the transmitter as being a type used by a user that is in the vicinity of the movable barrier is moved by a user that is in the vicinity of the movable barrier is moved by a user that is in the vicinity of the movable barrier is moved without operation of the moving-barrier imminent motion notification in response to receiving the communication.

With reference to FIG. 4, another method 400 of operating a movable barrier system with the moving-barrier imminent motion notification includes at step 410 receiving a communication at one of a plurality of communication connections comprising at least a first set of communication connections and a second set of communication connections. The method 400 includes at step 420 operating the moving-barrier imminent motion notification in combination with moving a movable barrier in response to receiving the communication over one of the first set of communication connections. At step 430, the method 400 includes operating the movable barrier system without operating the moving-barrier imminent motion notification in response to receiving the communication over one of the second set of communication connections. In this approach and with brief reference to FIG. 2, the first set of communication connections may comprise at least one of the group consisting of the system wired connection 225, a network connection 230, and a wireless communication system connection 235. The second set of communication connections may include at least one of the group consisting of the direct wireless connection 215 and the local wire connection 220. So configured, the movable barrier operator 210 determines from the type of connection over which the communication was received whether to operate the movingbarrier imminent motion notification in combination with moving the movable barrier 24. For instance, communications received from a direct wireless transmitter, for example a wireless transmitter 30 located in a car 250, or from a direct wired connection 220 via a wall mounted wire transmitter 40 located in the garage 16 indicate that the user is likely in visual contact with the movable barrier 24. Therefore, the movable barrier operator 210 moves the movable barrier 24 without operating the moving-barrier imminent motion notification to thereby reduce user annoyance. When the movable barrier operator 210, however, receives communications over one of the other communication connections, for example, from a computer 70, a security system interface 60, or from a mobile communication device 50, it is likely that the user is not in visual contact with the movable barrier 24 when providing that command. Therefore, in those circumstances, the movable barrier operator 210 operates the moving-barrier imminent motion notification in combination with moving the movable barrier 24 to thereby alert any people that may be in the vicinity as to the closing of the door 24.

With reference to FIG. 5, a transmitter 510 for use with a movable barrier operator 210 with a moving-barrier imminent motion notification will be described. The movable barrier operator 210 is configured to receive a command from the transmitter 510 and to move the movable barrier 24 in combination with operating the moving-barrier imminent motion notification in response to receipt of the command. The transmitter 510 includes a memory 520 that stores at least a first code 524 containing a command to effect an action by the movable barrier operator 210 and a second code 526 containing information regarding the transmitter 510. The transmit

US 8,587,404 B2

ter **510** also includes a processor **530** configured to send a communication containing at least in part the first code **524** and the second code **526** in response to a user command. One skilled in the art will recognize and appreciate that such a processor **530** can comprise a fixed-purpose hard-wired platform or can comprise a partially or wholly programmable platform to direct other elements to send the communication. All of these architectural options are well known and understood in the art. The communication itself is configured according to a suitable format to trigger the action by the 10 movable barrier operator **210** and to provide the information regarding the transmitter **510** to the movable barrier operator **210** can determine whether to move the movable barrier **24** with or without the moving-barrier imminent motion notification.

As described above, the transmitter 510 may comprise any of a number of forms. Such a transmitter 510 may include user actuable buttons 540 and 545, and/or the transmitter 510 may include a keyboard 544. Depending on its configuration, the transmitter 510 may include one of the group consisting of a 20 wired connection 552 to the movable barrier operator 210, an antenna 554 configured to send the communication directly to a transceiver 555 with the movable barrier operator 210, a network connection 556 providing a communication path to the movable barrier operator 210, a transceiver 560 config- 25 ured to send the communication via a wireless communication system 55, and a transceiver 560 configured to send the communication via a wired security system connection 65. In this approach, the second code may comprise at least one of the group consisting of the transmitter identification code, a 30 transmission method identification code, a code value, a code format, signal frequency, and a signal modulation to trigger the movable barrier operator 210 to move the movable barrier 24 in combination with operating the moving-barrier imminent motion notification. 35

Another method of operating the transmitter **510** for use with the movable barrier operator **210** with the moving-barrier imminent motion notification includes receiving a user input and sending a communication in response to receiving the user input. The communication is configured to trigger the 40 movable barrier operator **210** to move a movable barrier **24** and to provide information regarding the transmitter **510** to the movable barrier operator **210** such that the movable barrier operator **210** determines whether the move the movable barrier **24** with or without operating the moving-barrier 45 imminent motion notification.

In yet still another approach, a method of operating a transmitter 510 for use with a movable barrier operator 210 with a moving-barrier imminent motion notification includes receiving a first user input and sending in response to receiv- 50 ing the first user input a first communication configured to trigger the movable barrier operator 210 to move a movable barrier operator 24 in combination with operating the moving-barrier imminent motion notification. The method also includes receiving a second user input and sending in 55 response to receiving a second user input a second communication configured to trigger the movable barrier operator 210 to operate without operating the moving-barrier imminent motion notification. By this approach, the transmitter allows the user to determine whether the movable barrier 24 60 should be moved in combination with operation of the moving-barrier imminent motion notification by providing separate inputs for operating the movable barrier operator 210 with or without operating the moving-barrier imminent motion notification. 65

So configured, a movable barrier system provides the ability to selectively use the moving-barrier imminent motion 12

notification in combination with moving a barrier. Such a configuration can reduce user annoyance when operating a movable barrier as may occur when the imminent motion notification includes a delay in moving the movable barrier upon receipt of a command from the user. Such a system may still operate a moving-barrier imminent motion notification when the user is not in visual contact with the moving door, for example, when the user is located in a remote location or operating the door via a security system.

Those skilled in the art will recognize that a wide variety of modifications, alterations, and combinations can be made with respect to the above described embodiments with departing from the scope of the invention. For instance, although the described embodiment included a garage door, various types of movable barrier systems can employ these teachings, for example, swinging gates, rolling gates, rising gates, and the like. Such modifications, alterations, and combinations are to be viewed as being within the ambit of the inventive concept. What is claimed is:

1. A movable bather system with a moving-bather imminent motion notification, the system comprising:

- a movable bather operator connected to control movement of a movable barrier between a first position and a second position;
- the movable barrier operator configured to receive a first command from a transmitter in response to a first user input at the transmitter, wherein the first command comprises a first signal configured to instruct the movable barrier operator to trigger closing the movable barrier and a second signal configured to instruct the movable barrier operator regarding triggering operation of the moving-barrier imminent motion notification in combination with the movement of the movable bather;
- the movable barrier operator configured to determine whether the second signal instructs the movable barrier operator to trigger operation of the moving-barrier imminent motion notification in combination with the closing of the movable barrier;
- the movable barrier operator configured to effect the closing of the movable barrier in combination with operating the moving-barrier imminent motion notification in response to determining that the second signal instructs the movable barrier operator to trigger operation of the moving-barrier imminent motion notification in combination with the closing of the movable barrier;
- the movable barrier operator configured to receive a second command to effect the closing of the movable barrier without operating the moving-barrier imminent motion notification in response to receipt of the second command.

2. The movable barrier system of claim 1 wherein the second signal comprises at least one of the group consisting of: a transmission method identification code, a code value, a code format, a signal frequency, and a signal modulation.

3. The movable barrier system of claim 1 wherein the transmitter comprises any of the group consisting of: a wireless transmitter, a wired transmitter, a networked communication device, a mobile communication device, and a security system interface.

4. A movable barrier system with a moving-barrier imminent motion notification, the system comprising:

- a movable barrier operator connected to close a movable barrier;
- the movable barrier operator configured to receive a transmitter identification code from a transmitter as part of a communication from the transmitter triggered in response to a first user input at the transmitter, the com-

US 8,587,404 B2

munication comprising a command to close configured to effect closing of the movable barrier, the movable barrier operator also configured to determine whether to close the movable barrier in combination with operating a moving-barrier imminent motion notification in 5 response to receipt of the command to close the movable barrier based at least in part on the transmitter identification code;

the movable barrier operator configured to determine whether to close the movable barrier without operating 10the moving-barrier imminent motion notification based at least in part on the transmitter identification code

5. The movable barrier system of claim 4 wherein the movable barrier operator is configured to close the movable 15 barrier in combination with operating a moving-barrier imminent motion notification when the transmitter identification code indicates that the transmitter is located remotely of the movable barrier.

6. The movable barrier system of claim 4 wherein the $_{20}$ transmitter comprises any of the group consisting of: a wireless transmitter, a wired transmitter, a networked communication device, a mobile communication device, and a security system interface.

7. A method of operating a movable barrier system with a 25 moving-barrier imminent motion notification, the method comprising:

receiving a communication from a transmitter;

- determining whether the communication from the transmitter contains a signal indicating a need to operate a moving barrier imminent motion notification together with a command to close a movable barrier;
- operating the moving-barrier imminent motion notificaresponse to determining that the communication from the transmitter contains the signal;
- closing the movable barrier without operating the movingbarrier imminent motion notification in response to determining that the communication from the transmit- 40 ter does not contain the signal.

8. The method of claim 7 wherein the receiving the communication from the transmitter comprises at least one of the group consisting of:

- receiving a wireless communication at the movable barrier system directly from the transmitter;
- receiving the communication via a wired connection between the movable barrier system and the transmitter;
- receiving the communication via a network connection 50 providing a communication path to the movable barrier system from the transmitter;
- receiving the communication via a wireless communication system.

9. The method of claim 7 wherein determining that the communication from the transmitter contains the signal comprises determining that the signal comprises at least one of the group consisting of: a transmission method identification code, a code value, a code format, a signal frequency, and a 60 signal modulation.

10. The method of claim 7 wherein determining that the communication from the transmitter contains the signal comprises determining that the signal comprises a transmitter identification code that identifies a transmitter type for the transmitter indicating that the transmitter is a distance from the movable barrier.

11. A movable barrier system with a moving-barrier imminent motion notification, the system comprising:

a movable bather operator connected to control movement of a movable barrier between a first position and a second position;

the movable barrier operator comprising:

- a communication connection comprising at least one of the group consisting of: a direct wireless connection to a transmitter, a local wired connection, a system wired connection, a network connection, and a wireless communication system connection; and
- a processor configured to determine whether a received command for a closing the movable barrier was received from at least one of the system wired connection, the network connection, and the wireless communication system connection;
- the processor configured to effect the closing of the movable barrier in combination with operating a moving barrier imminent motion notification in response to determining that the received command for the closing was received from at least one of the system wired connection, the network connection, and the wireless communication system connection;
- the processor configured to determine whether the received command for the closing was received from at least one of the direct wireless connection to the transmitter and the local wired connection;
- the processor configured to effect the closing of the movable barrier without operating the moving-barrier imminent motion notification in response to determining that the received command for the closing was received from at least one of the direct wireless connection to the transmitter and the local wired connection.

12. A method of operating a movable barrier system with a tion in combination with closing the movable barrier in 35 moving-barrier imminent motion notification, the method comprising

- receiving a communication to effect closing of a movable barrier at one or more of a plurality of communication connections comprising at least a first set of communication connections and a second set of communication connections entirely different from the first set of communication connections;
- determining whether the communication was received at one or more of the first set of communication connections or one or more of the second set of communication connections:
- operating the moving-barrier imminent motion notification in combination with effecting the closing of the movable barrier in response to determining that the communication was received over one or more of the first set of communication connections, wherein the first set of communication connections comprises at least one of the group consisting of: a system wired connection, a network connection, and a wireless communication system connection;
- effecting the closing of the movable barrier without operating the moving barrier imminent motion notification in response to determining that the communication was received over one or more of the second set of communication connections, wherein the second set of communication connections comprises at least one of the group consisting of: a direct wireless connection to a transmitter and a local wired connection.

13. A transmitter for use with a movable barrier operator 65 with a moving-barrier imminent motion notification, the movable barrier operator configured to receive a command from a transmitter and to move a movable barrier in combi-

US 8,587,404 B2

nation with operating a moving-barrier imminent motion notification in response to receipt of the command, the transmitter comprising:

- a memory that stores at least a first code containing a command to effect closing the movable barrier by the 5 movable barrier operator and a second code containing information regarding whether to operate a moving-barrier imminent motion notification in combination with effecting the closing by the movable barrier operator;
- a processor configured to send a communication containing at least in part the first code and the second code in response to a user command, the communication configured to trigger the closing by the movable barrier operator and to provide the information regarding whether to operate the moving-barrier imminent motion 15 notification to the movable barrier operator such that the movable barrier operator can determine whether to close the movable barrier with or without operating the moving barrier imminent motion notification.

14. The transmitter of claim **13** further comprising at least 20 one of the group consisting of:

- a wired connection to the movable barrier operator;
- an antenna configured to send the communication directly to a transceiver of the movable barrier operator;
- a network connection providing a communication path to 25 the movable barrier operator;
- a transceiver configured to send the communication via a wireless communication system; and
- a transceiver configured to send the communication via a wired security system connection. 30

15. The transmitter of claim **13** wherein the second code comprises at least one of the group consisting of a transmitter identification code, a transmission method identification code, a code value, a code format, a signal frequency, and a signal modulation to trigger the movable bather operator to 35 move the movable bather in combination with operating the moving-bather imminent motion notification.

16. A method of operating a transmitter for use with a movable bather operator with a moving-bather imminent motion notification, the movable barrier operator configured 40 to receive communications from a transmitter and to operate the movable barrier operator in response to receipt of the communications, the method comprising:

receiving a user input;

sending, in response to receiving the user input, a commutor to close a movable bather and to provide information regarding whether to operate the moving-barrier imminent motion notification to the movable barrier operator such that the movable barrier operator determines 50 whether to close the movable bather with or without operating the moving-barrier imminent motion notification.

17. The method of claim 16 wherein the step of sending the communication comprises at least one of the group consisting 55 of:

- sending the communication via a wired connection to the movable barrier system;
- sending the communication via an antenna configured to send at least in part the communication code directly to 60 the movable barrier system;
- sending the communication via a network connection providing a communication path to the movable barrier system;

sending the communication via a transceiver configured to send information via a wireless communication system.

18. The method of claim 16 wherein the information regarding whether to operate the moving-barrier imminent motion notification comprises at least one of the group consisting of: a transmission method identification code, a code value, a code format, a signal frequency, and a signal modulation.

19. A method of operating a transmitter for use with a movable bather operator with a moving-bather imminent motion notification, the movable barrier operator configured to receive communications from a transmitter and to operate the movable barrier operator in response to receipt of the communications, the method of operating the transmitter comprising:

receiving a first user input;

- sending, in response to receiving the first user input, a first communication configured to trigger the movable bather operator to close a movable barrier in combination with operating the moving-barrier imminent motion notification based on the first communication and its method of communication, wherein the method of communication comprises at least one of the group consisting of:
 - sending the first communication via a network connection providing a communication path to the movable barrier system;
 - sending the first communication via a transceiver configured to send information via a wireless communication system.

20. A method of operating a transmitter for use with a movable barrier operator with a moving-barrier imminent motion notification, the movable barrier operator configured to receive communications from a transmitter and to operate the movable barrier operator in response to receipt of the communications, the method of operating the transmitter comprising:

receiving a first user input;

- sending, in response to receiving the first user input, a first communication configured to trigger the movable bather operator to close a movable barrier in combination with operating the moving-barrier imminent motion notification based on the first communication and its method of communication, wherein the method of communication comprises at least one of the group consisting of: a transmission method identification code, a code format, a signal frequency, and a signal modulation to trigger the movable barrier operator to move the movable barrier in combination with operating the moving-bather imminent motion notification.
- 21. The method of claim 19 further comprising:

receiving a second user input;

sending, in response to the receiving the second user input, a second communication configured to trigger the movable barrier operator to operate without operating the moving-barrier imminent motion notification.

22. The method of claim 20 further comprising:

receiving a second user input;

sending, in response to the receiving the second user input, a second communication configured to trigger the movable barrier operator to operate without operating the moving-barrier imminent motion notification.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

| PATENT NO. | : 8,587,404 B2 |
|-----------------|---------------------|
| APPLICATION NO. | : 12/409584 |
| DATED | : November 19, 2013 |
| INVENTOR(S) | : Edward T. Laird |

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

IN THE CLAIMS:

Claim 1, Column 12, Line 20: Change "bather" to -- barrier --; Claim 1, Column 12, Line 20: Change "moving-bather" to -- moving-barrier --; Claim 1, Column 12, Line 22: Change "bather" to -- barrier --; Claim 1, Column 12, Line 33: Change "bather" to -- barrier --;

Claim 11, Column 14, Line 3: Change "bather" to -- barrier --; Claim 11, Column 14, Line 13: After "for" delete "a";

Claim 15, Column 15, Line 35: Change "bather" to -- barrier --; Claim 15, Column 15, Line 36: Change "bather" to -- barrier --; Claim 15, Column 15, Line 37: Change "moving-bather" to -- moving-barrier --;

Claim 16, Column 15, Line 39: Change "bather" to -- barrier --; Claim 16, Column 15, Line 39: Change "moving-bather" to -- moving-barrier --; Claim 16, Column 15, Line 47: Change "bather" to -- barrier --; Claim 16, Column 15, Line 51: Change "bather" to -- barrier --;

Claim 19, Column 16, Line 10: Change "bather" to -- barrier --; Claim 19, Column 16, Line 10: Change "moving-bather" to -- moving-barrier --; Claim 19, Column 16, Line 19: Change "bather" to -- barrier --;

Claim 20, Column 16, Line 41: Change "bather" to -- barrier --; Claim 20, Column 16, Line 49: Change "moving-bather" to -- moving-barrier --.

> Signed and Sealed this Thirteenth Day of May, 2014

Michelle K. Lee

Michelle K. Lee Deputy Director of the United States Patent and Trademark Office

Case 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.78 Page 78 of 104

EXHIBIT 2

Case 3:17-cv-02412-BTM-AGS Document



(12) United States Patent

Fitzgibbon

(54) MOVABLE BARRIER OPERATOR WITH ENERGY MANAGEMENT CONTROL AND CORRESPONDING METHOD

- (75) Inventor: James J. Fitzgibbon, Batavia, IL (US)
- (73) Assignee: The Chamberlain Group, Inc., Elmhurst, IL (US)
- (*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 608 days.
- (21) Appl. No.: 10/227,182
- (22) Filed: Aug. 23, 2002

(65) **Prior Publication Data**

US 2004/0227410 A1 Nov. 18, 2004

| (51) | Int. Cl. | | |
|------|------------|-----------|--|
| | H02H 1/06 | (2006.01) | |
| | H02H 9/00 | (2006.01) | |
| | B66B 12/24 | (2006.01) | |
| | | | |

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

| 3,903,996 | A | * | 9/1975 | Berkovitz et al 187/316 |
|-----------|---|---|---------|-------------------------|
| 4,263,536 | Α | | 4/1981 | Lee |
| 4,621,452 | А | * | 11/1986 | Deeg 49/28 |
| 4,733,158 | Α | * | 3/1988 | Marchione et al 323/258 |
| 4,914,859 | А | * | 4/1990 | Gionet et al 49/25 |
| 5,149,921 | Α | * | 9/1992 | Picado 187/317 |
| 5,233,185 | Α | * | 8/1993 | Whitaker 250/222.1 |

(10) Patent No.: US 7,755,223 B2

104

(45) **Date of Patent:** Jul. 13, 2010

| 5,282,337 A * | 2/1994 | Duhame et al 49/199 |
|---------------|---------|------------------------|
| 5,285,136 A * | 2/1994 | Duhame 318/266 |
| 5,357,183 A * | 10/1994 | Lin 318/468 |
| 5,428,923 A * | 7/1995 | Waggamon 49/28 |
| 5,465,033 A * | 11/1995 | Fassih-Nia 318/480 |
| 5,493,812 A | 2/1996 | Teich |
| 5,584,145 A | 12/1996 | Teich |
| 5,656,900 A * | 8/1997 | Michel et al 318/286 |
| 6,005,780 A * | 12/1999 | Hua 363/20 |
| 6,181,095 B1* | 1/2001 | Telmet 318/480 |
| 6,184,641 B1* | 2/2001 | Crimmins et al 318/466 |
| 6,194,851 B1* | 2/2001 | Denault et al 318/139 |
| 6,243,006 B1* | 6/2001 | Rejc et al 340/436 |
| 6,247,558 B1* | 6/2001 | Bailey et al 187/317 |
| 6,329,779 B1* | 12/2001 | Pimley et al 318/445 |
| 6,597,589 B2* | 7/2003 | Wang 363/21.18 |

(Continued)

FOREIGN PATENT DOCUMENTS

0777029 6/1997

(Continued)

Primary Examiner-Stephen W Jackson

Assistant Examiner—Adi Amrany

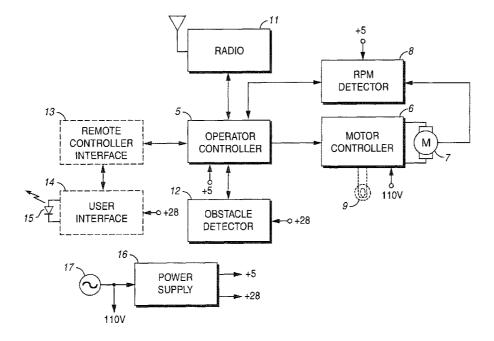
EP

(74) Attorney, Agent, or Firm—Fitch Even Tabin & Flannery

(57) **ABSTRACT**

A movable barrier operator system wherein one or more of the various components of the system is configured to operate selectively in at least either of two operational modes. Each operating mode is characterized by a corresponding energy usage profile. The operational status of the system is monitored and operating modes are selected that serve both to substantially ensure proper operation given current likely operational expectations and an overall desire to reduce energy consumption.

34 Claims, 6 Drawing Sheets



Page 2

U.S. PATENT DOCUMENTS

6,732,476 B2 * 5/2004 Mehalshick et al. 49/506

FOREIGN PATENT DOCUMENTS

| 6,737,968 6,904,717 7,081,713 7,221,288 6,621,256 6,622,925 | B2 * B2 * B2 * B2 * B2 * | 6/2005 7/2006 5/2007 9/2003 9/2003 | Ergun et al. 340/540 Clark et al. 49/28 Jurs et al. 315/134 Fitzgibbon et al. 340/933 Muratov et al. 323/282 Carner et al. 323/282 | EP GB GB GB |
|--|--------------------------------------|--|--|----------------------|
| / / | | | Bartone et al. | * cited |

| EP | 1008233 | 7/1997 |
|----|-------------|---------|
| GB | 2282639 | 4/1995 |
| GB | 2 361 310 A | 10/2001 |
| GB | 2 406 880 A | 4/2005 |

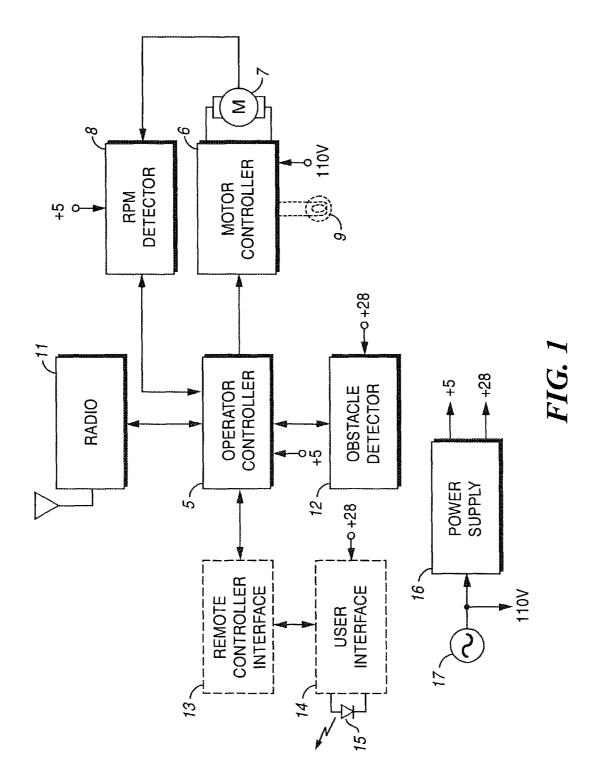
* cited by examiner

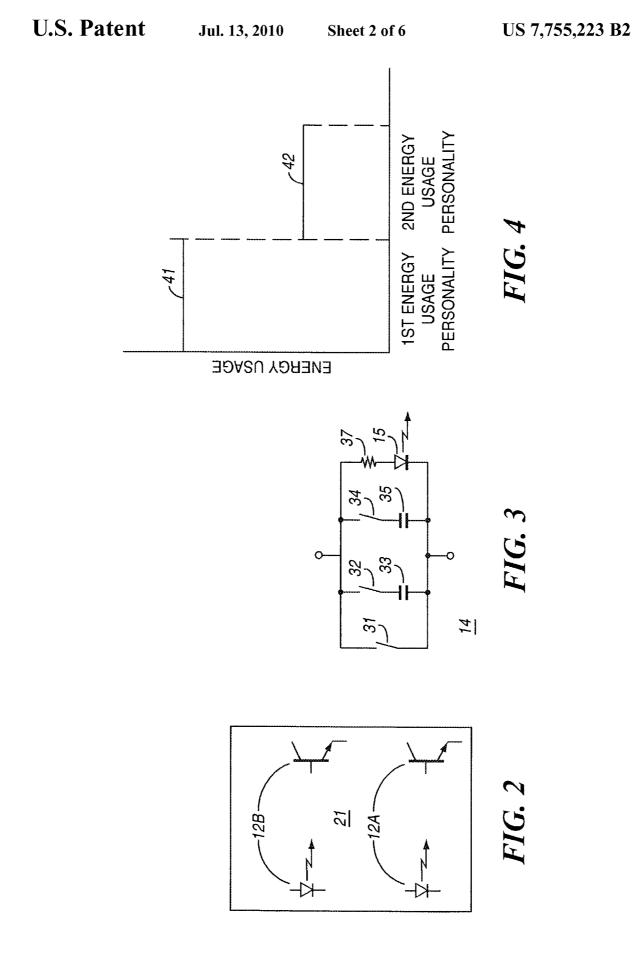


Jul. 13, 2010

Sheet 1 of 6

US 7,755,223 B2

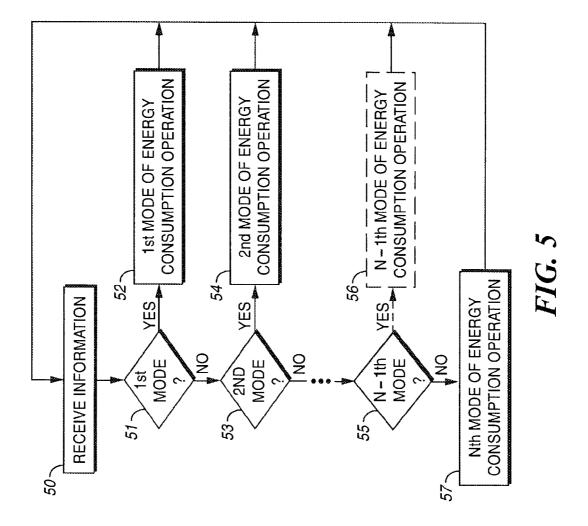


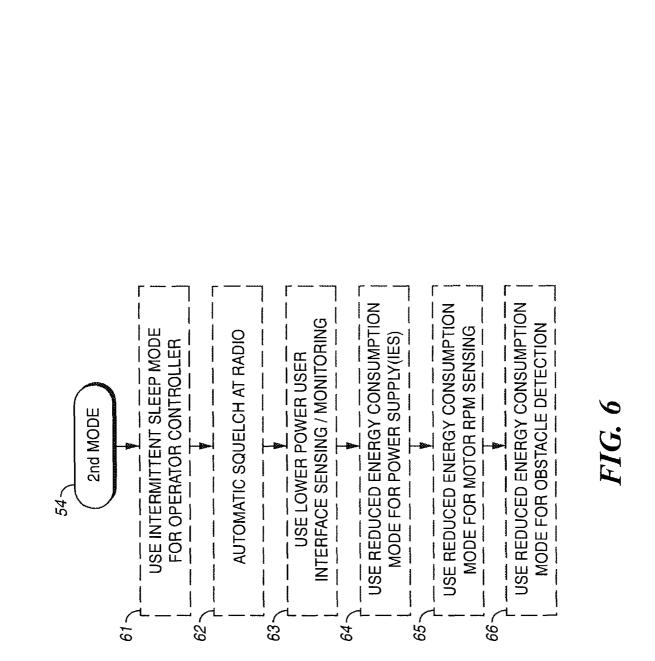


Jul. 13, 2010

Sheet 3 of 6

US 7,755,223 B2





Sheet 4 of 6

Jul. 13, 2010

US 7,755,223 B2

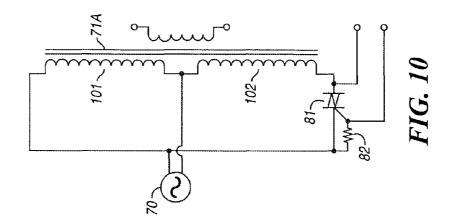
U.S. Patent

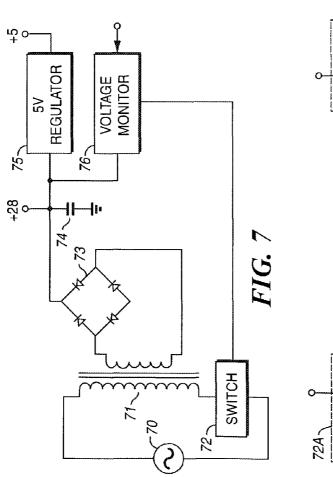
U.S. Patent

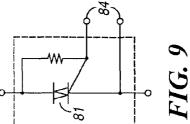
Jul. 13, 2010

Sheet 5 of 6

US 7,755,223 B2







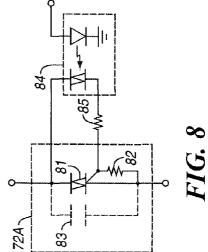


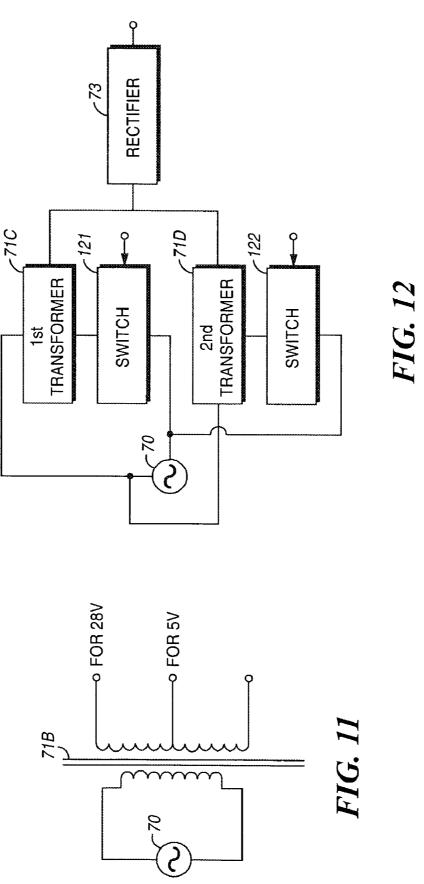
Exhibit 2 Page 23



Jul. 13, 2010

Sheet 6 of 6

US 7,755,223 B2



5

10

55

1

MOVABLE BARRIER OPERATOR WITH ENERGY MANAGEMENT CONTROL AND CORRESPONDING METHOD

TECHNICAL FIELD

This invention relates generally to movable barrier operators and more particularly to energy management in such an operator.

BACKGROUND

Movable barrier operators are well understood in the art and include a wide variety of openers for garage doors (with both residential and commercial/industrial variations being 15 available), sliding and swinging gates, rolling shutters, and so forth. Such operators usually include a programmable platform comprising a programmable gate array, a microcontroller, a microprocessor, or the like that controls various operational states of the operator (including movement of a 20 corresponding barrier, light operation, state monitoring, unauthorized entry detection, and so forth). Many operators also include other elements and components including but not limited to a motor and motor controller, a motor RPM detector, one or more wired remote control interfaces that are at 25 least semi-permanently mounted remotely from the movable barrier operator itself, a wireless remote control interface, one or more worklights, and an obstacle detector, to name a few. Such operators also typically include a power supply to provide energy for all of the above components.

In general, movable barrier operators are designed to provide full power at all times to all elements of the system. For example, an obstacle detector (and the circuitry/logic that monitors and responds to the obstacle detector) will frequently be active and fully powered regardless of whether the 35 corresponding barrier is opened or closed. As a result, the average power draw of a typical prior art movable barrier operator over time is often likely to be higher than might genuinely be merited. For example, many movable barrier operators draw more than five watts of power even during a 40 relatively quiescent state such as when the corresponding barrier is fully closed.

Also, the power supply for many movable barrier operators tends to be simplistic and relatively static in operation in that the power supply is designed and built to operate at full 45 ments, a movable barrier operator that includes a motor and a capacity and provide full potentially necessary operating power to all components of the movable barrier operator regardless of the genuine need at any given moment for such power. Waste heat production and radiation due to the power supply design (often primarily due in many cases to the power 50 supply transformer) alone can account for a considerable portion of the so-called stand-by energy needs of a prior art movable barrier operator.

BRIEF DESCRIPTION OF THE DRAWINGS

The above needs are at least partially met through provision of the movable barrier operator with energy management control and method described in the following detailed description, particularly when studied in conjunction with the 60 drawings, wherein:

FIG. 1 comprises a block diagram view of a movable barrier operator as configured in accordance with an embodiment of the invention;

FIG. 2 comprises a schematic front elevational view of an 65 obstacle detector as configured in accordance with an embodiment of the invention;

FIG. 3 comprises a schematic view of the switches of a remotely disposed user interface as configured in accordance with an embodiment of the invention;

FIG. 4 comprises a graph that generally illustrates energy usage for differing energy usage personalities for movable barrier system elements as configured in accordance with an embodiment of the invention;

FIG. 5 comprises a flow diagram as configured in accordance with an embodiment of the invention;

FIG. 6 comprises a flow diagram as configured in accordance with an embodiment of the invention;

FIG. 7 comprises a schematic view of a power supply as configured in accordance with an embodiment of the invention;

FIG. 8 comprises a detailed schematic view of a portion of a power supply as configured in accordance with an embodiment of the invention;

FIG. 9 comprises a detailed schematic view of a portion of a power supply as configured in accordance with another embodiment of the invention;

FIG. 10 comprises a detailed schematic view of a portion of a power supply as configured in accordance with yet another embodiment of the invention;

FIG. 11 comprises a detailed schematic view of a portion of a power supply as configured in accordance with yet another embodiment of the invention; and

FIG. 12 comprises a block diagram view of a portion of a power supply as configured in accordance with another embodiment of the invention.

Skilled artisans will appreciate that elements in the figures are illustrated for simplicity and clarity and have not necessarily been drawn to scale. For example, the dimensions of some of the elements in the figures may be exaggerated relative to other elements to help to improve understanding of various embodiments of the present invention. Also, common but well-understood elements that are useful or necessary in a commercially feasible embodiment are typically not depicted in order to facilitate a less obstructed view of these various embodiments of the present invention.

DETAILED DESCRIPTION

Generally speaking, pursuant to these various embodiplurality of additional components has at least a first mode of operation and a second mode of operation. In the first mode of operation, the operator automatically initiates (following at least apparent attainment of a given operational state) one or more actions that configures or otherwise controls one or more components of the movable barrier operator to effect, in part, a particular corresponding level of energy consumption. In a preferred embodiment, this level of energy as provided pursuant to the first mode of operation is sufficient to power at least most of the components in a substantially fully-active mode of operation. In the second mode of operation, the operator automatically initiates (again preferably based on some indicia of an attained operational state) one or more actions that configures or controls the movable barrier operator to effect, at least in part, a reduced corresponding level of energy consumption.

By appropriate selection of the dynamic alterations that facilitate the selection of reduced energy consumption operating states, and by appropriately selecting when to use such operating states, operational efficacy and safety are not unduly compromised while simultaneously achieving considerable power savings over time.

50

65

In differing embodiments, various alterations can be introduced for use with various ones of the components to realize the dynamically utilized reduced energy consumption needs of the components and/or overall operator. Varying levels of energy savings are typically possible with, for example, the 5 motor RPM sensor, the movable barrier operator itself, the radio that supports the wireless user interface, the wired remotely disposed user interface, and the obstacle detector, to name a few. In addition, the power supply can be more efficiently designed and/or provided with dynamic reconfig- 10 urable functionality to also support immediate and/or average energy usage reductions.

Referring now to FIG. 1, a movable barrier operator system can include, for example, an operator controller 5 that serves to interact with a variety of other components of the operator 15 system. Such controllers 5 are well known in the art and usually comprise a programmable platform (such as a microprocessor, microcontroller, programmable gate array, or the like) that is readily amenable to such alterations as are suggested below in these various embodiments. The operator 20 controller 5 couples to a motor controller 6 that in turn couples to a motor 7. So configured, the operator controller 5 controls the motor controller 6 and the motor controller 6 in turn converts such control information into specific drive signals for the motor 7 to thereby cause the motor to function 25 in a specifically desired fashion. (The motor 7 will usually be coupled to a movable barrier through any of a variety of well understood drive mechanisms. For the sake of brevity and the preservation of focus, additional detail will not be presented here regarding such well understood peripheral structure.)

In addition, in this embodiment, a worklight 9 provides light (for example, upon opening or closing a garage door for a short predetermined period of time). Such a worklight 9 can share a common housing with the motor 7 and motor controller 6 or can be remotely mounted. In addition, two or more 35 such worklights can be provided. When multiple worklights are used, such lights can operate in parallel or can respond to differing control strategies as desired for a particular application

In a preferred embodiment, an RPM detector 8 provides 40 information regarding the mechanical output of the motor 7 to the operator controller 5. In a preferred embodiment the RPM detector 8 will include one or more optical sensors and a light source wherein one moves with respect to the other as a given output member (such as an output drive shaft) rotates. The 45 resultant signals will be synchronized to the rotation of the motor 7 and hence provide the desired RPM information. There are other ways, however, to provide such information and this particular embodiment should be viewed as being illustrative rather than limiting.

A radio 11 (typically comprising a receiver though twoway capability can be provided as appropriate to suit the needs of a given situation) serves to receive wireless remote control signals and to provide such received signals to the operator controller 5.

An obstacle detector 12 of choice couples to the operator controller 5 and serves primarily to detect when an obstacle lies in the path of the moving barrier. The operator controller 5 uses such information to control the movable barrier accordingly (for example, to cause a closing moving barrier 60 to stop or reverse direction upon detecting an obstacle in order to avoid injuring the obstacle or the movable barrier itself). A variety of known obstacle detectors exist For purposes of this illustration, the obstacle detector 12 is comprised of a photobeam-based obstacle detector.

Referring momentarily to FIG. 2, a pair of photobeam elements 12A (such as a source and a receptor) are positioned 4

near the bottom of an opening 21 (such as a garage opening) to detect when an obstacle is disposed within the opening 21and hence potentially within the path of the moving movable barrier (not shown) As well understood in the art, additional such pairs of photobeam elements 12B can be disposed at other locations within the opening 21 to improve the likelihood of detecting a given obstacle. Typically in such an arrangement, the photobeam sources are energized on a relatively frequent basis and usually are substantially continuously energized.

In this embodiment the operator controller 5 also couples to a wired remotely disposed user interface 14 via a remote controller interface 13. The remotely disposed user interface 14 typically includes one or more user assertable buttons and often include one or more display elements (such as one or more light emitting diodes 15). The buttons serve to permit a user to signal the operator controller 5 to, for example, move the movable barrier, to switch on or off the worklight 9, or to facilitate some other communication (for example, to place the operator controller 5 into a so-called vacation mode of operation). There are various known ways to facilitate the provision of such a user interface 14. For purposes of this illustration, and referring momentarily to FIG. 3, three user assertable switches 31, 32, and 34 are arranged in parallel with one another, with the latter two switches 32 and 34 also being arranged in series with a corresponding capacitor 33 or 35 respectively. A parallel-configured series-coupled resistor 37 and light emitting diode 15 complete a typical user interface 14 of this type. So configured, the remote controller interface 13 will pulse the above-described circuit with 28 volts DC from the power supply 16 (the power supply is described below) and then monitor the electrical response of the user interface circuit. By varying the values of the capacitors 33 and 35, one can rapidly ascertain when a given switch has been closed by a user as well as identify the particular switch.

As already noted for some of the above specific elements, all of these components are well understood in the art. This understanding includes knowledge regarding a variety of ways to facilitate the realization of each described function. Additional description has therefore not been provided for these various components. In addition, there are other components that can be utilized in conjunction with such an operator controller, including Bluetooth-style data link modules, carbon monoxide detectors, smoke detectors, and so forth. It should be clearly understood that the embodiments described below are compatible with and suitable for use with such other components as well as the specific components and elements that are generally depicted in FIG. 1.

All of the above components, including the operator controller 5 itself, utilize electricity. Some (such as the motor 7 and the worklight 9) utilize standard 110 volt alternating current. Others (such as the obstacle detector 12 and the user 55 interface 14) utilize, in this embodiment, 28 volts direct current. Yet others (such as the operator controller 5 and the RPM detector 8) utilize, in this embodiment, 5 volts direct current. Such electricity can be provided in a wide variety of ways, including through use of multiple independent power supplies. More typically, however, a single power supply 16 serves to supply the power needs of all the components in the system. So configured, in this embodiment, the power supply 16 couples to a standard source 17 of alternating current. The AC power is made available via the power supply 16 to those elements that require it. That AC power is also processed to yield both the 5 volt and the 28 volt DC power signals noted above.

As already noted, a typical movable barrier operator will have a power supply that provides full power at all times and all of the components will be operating in a full power standby mode as well. This does not mean, of course, that all of the components utilize maximum power at all times. For 5 example, the motor 7 only draws full power when it is operating. But, as an example, the RPM detector 8 in a prior art configuration will draw full power even when the motor 7 is quiescent and there are no revolutions to detect. Pursuant to these embodiments, various components are configured to 10 have at least two energy usage personalities. That is, when the operator controller 5 operates in a first mode of energy consumption operation, at least one of these components will operate using a first energy usage personality. Similarly, when the operator controller 5 operates using a second mode of 15 energy consumption operation, that same component will operate using a second energy usage personality. With reference to FIG. 4, and seeking only to illustrate the point generally at this time, the first energy usage personality will tend to comprise a first average level 41 of energy usage and the 20 second energy usage personality will tend to comprise a second average level 42 of energy usage that is less than the first average level 41. So configured, the operator controller 5 will now have the ability to manage the energy usage of one or more components of the system by selecting between at least 25 these two modes of operation.

As noted above, the operator controller 5 comprises a programmable platform. Pursuant to these embodiments, the operator controller 5 is programmed to select from amongst a plurality of energy management operating modes as a func- 30 tion, at least in part, of the operational status of one or more elements of the system itself and/or the movable barrier. Generally speaking, and with reference to FIG. 5, the operator controller 5 receives 50 information and then uses this information to determine 51 whether to operate in a first mode of 35 operation 52, to determine 53 whether to operate in a second mode of operation, and so forth. If desired, any number N of operating modes can be defined and accommodated, such that a determination 55 is eventually made as to an N-1th mode of operation 56 and a final Nth mode of operation. For purposes 40 of clarity, however, in this illustration only two such modes of operation will henceforth be discussed and elaborated upon.

The information received 50 by the operator controller 5 can comprise, for example, information regarding one or more operational states of the movable barrier operator sys- 45 tem. Such information could reflect, for example, that the movable barrier is at a particular position and/or is stationary at either of a fully opened or a fully closed position. The monitored operational state can further include, in a preferred embodiment, a temporal aspect as well. For example, the 50 information can specifically reflect that a given stationary position of the movable barrier has been continuously maintained for at least a predetermined period of time (such as a specific number of seconds or minutes). When the movable barrier is at a fully opened or especially at a fully closed 55 position, the operational state of the system often comprises a quiescent state, and especially so when the stationary position has been continuously maintained for a period of time.

Each operating mode as is selectable by the operator controller **5** pursuant to this approach can have a corresponding ⁶⁰ level of energy consumption. Through this process, the operator controller **5** establishes a level of operability that is appropriate and commensurate with the likely needs of the system at a given point in time. More particularly, the operator controller **5** further selects operating modes that tend to result in ⁶⁵ a reduced level of energy consumption for at least some levels of maintained activity. In general, little or no reduction in 6

energy consumption during high levels of usage are especially expected through this approach. Since most moving barrier operator systems spend most of their time in a fully or partially quiescent operating state, however, considerable opportunity exists for energy savings during such periods.

As one illustrative example, consider the above process as applied to an obstacle detector 12. As already described, the obstacle detector 12 in this embodiment includes two pairs 12A and 12B of photobeam elements that are positioned within the opening 21 that is governed by the movable barrier. The obstacle detector 12 serves an important safety purpose. In this regard, when the operator controller 5 receives 50 information indicating that the movable barrier is moving from an open to a closed position, a first mode of energy consumption operation 52 that comprises, in this example, normal full energization and operation of the obstacle detector 12 is appropriate to ensure that this feature is fully enabled. Once the movable barrier has moved to a fully closed position, however, and further has remained in that position for a predetermined period of time (such as, for example, five minutes), this information as received 50 by the operator controller 5 can be used to select instead a second mode of energy consumption operation 54. In this embodiment, pursuant to the second mode of energy consumption operation, one pair 12B of the photobeam elements can be switched off, thus saving 50% in energy utilized to power the photobeam operation. This energy savings is achieved at the expense of now providing only one pair of photobeam elements, of course. By ensuring that such a selection only occurs when the movable barrier is fully closed, however, such a compromise will be quite reasonable for many applications.

The above example is intended to be illustrative only, of course, and there are other ways to achieve an energy savings in the same situation. For example, the periodicity or duty cycle for energizing the photobeams elements **12**A or **12**B can be reduced. Instead of continuous or near-continuous energization, the elements can be strobed on a less frequent basis. In this and other ways as will occur to one skilled in the art, the energy consumption operating mode of the obstacle detector **12** is controlled while simultaneously assuring that the operability and efficacy of the overall system is not unduly compromised.

In a simple system where only two operating modes are available for consideration, again, the first mode is likely to represent a full-power mode suitable for use during ordinary operations. The second mode, however, can be used to modify the energy consumption of any given component of the system or any combination of components. For example, and referring now to FIG. 6, the second mode 54 can be used to optionally modify and reduce the energy usage of any of the operator controller itself 61, the radio 62, the remotely disposed user interface 63, the power supply 64, the motor RPM detector 65, and/or the obstacle detector 66 (as well as any other components or features that have been incorporated into a given movable barrier operator system). A number of examples will now be provided as exemplary illustrations of how energy management options can be realized for each such component/function.

The Operator Controller

The operator controller **5** can be configured to toggle itself between an ordinary mode of operation and a so-called sleep mode of operation. During a sleep mode of operation, the processing platform that comprises the operator controller **5** can power down significant portions of its relevant circuitry and then only intermittently re-power such circuitry to respond to any system needs that may have arisen in the meantime. As another example, significant portions of the

processing platform can be powered down and left powered down. A remaining portion of the platform can serve to receive signals that indicate when processing requirements now exist and to interrupt and awaken the remaining circuitry to tend to the task at hand. Such operating modes are generally 5 well understood in the art for microprocessors and the like though used uniquely here to facilitate the energy management of a movable barrier operator system.

The Radio

The radio is ordinarily on at all times and available to 10 receive remote control transmissions from a corresponding wireless remote control user device as well understood in the art. The operator controller 5 could be configured to receive 50 information regarding the fully open status of the movable barrier, which status has been maintained for at least a pre-15 determined period of time (such as, for example fifteen minutes). A second mode of operation 54 could configure the radio 11, under such conditions, to enter an intermittent mode of operation. For example, the radio receiver could be cycled on and off for brief intervals in accord with a predetermined 20 duty cycle, such as fifty percent. So configured, energy consumption for the radio would drop during a period of time when a wireless transmission from a user is statistically somewhat less likely (at least for some applications and installations). 25

As another example, the radio 11 could be configured, pursuant to a second mode of operation, to effect a local squelch function (whereas in ordinary course, the squelch function may be handled by the operator controller 5). Doing this, of course, would possibly increase the energy require- 30 ments of the radio 11, but would permit the operator controller 5 to be relieved of this function. Accordingly, this offloading of functionality might then more readily permit a complete (possibly intermittent) powering down of the operator controller 5 into a sleep mode as suggested above. So 35 configured, it can be seen that the functionality of one component can be modified in order to effect a corresponding change in functionality elsewhere in the system along with a commensurate reduction in energy consumption. (Whether such a shifting will result in an overall reduction in energy 40 consumption for a given system will of course vary with respect to the system itself.)

The Remotely Disposed User Interface

As noted above, during ordinary (first mode) operation, this interface 14 can illuminate display elements such as one 45 or more light emitting diodes 15. For example, such a display can be provided in order to provide a location beacon to aid a user in finding the interface 14 under darkened circumstances. By using information regarding available light (such as can be obtained through use of, for example, a photocell 50 circuit as well understood in the art), the operator controller 5 can receive 50 information regarding ambient light and use this information to select a second mode of operation 52 wherein such a light emitting diode 15 is powered down (this being based upon the supposition that such a beacon is not 55 especially helpful when the interface 14 is otherwise readily viewable given present lighting conditions).

As another example, it was disclosed above that a particular switch closure sensing mechanism is used in many such interfaces 14 wherein a 28 volt pulse is repeatedly sent to the 60 interface 14 such that the remote controller interface 13 can thereby actively sense the closure and identity of a given switch. Upon receiving 50 information that indicates a particular operational state (such as, for example, that the movable barrier is and has been fully closed for at least a prede-65 termined period of time), the operator controller 5 can effect a second mode of operation 52 that utilizes an alternative, less

8

energy-consumptive switch sensing mechanism. For example, whereas the primary mode of operation provides for actively sensing a closed circuit, a second mode of operation can instead more passively detect charging of the capacitors **33** and **35** in the interface circuit as described earlier. Sensing switch closure in this fashion is not as rapid or necessarily as accurate as the use of active sensing, but the energy expenditure required for the second mode of operation is also considerably reduced. By limiting use of the less operationally optimum but more energy efficient second mode of operation to circumstances where actual usage of the interface **14** is less likely, overall energy management is served without significant impairment of the overall operation of the system.

The Power Supply

A number of improvements can be made with respect to energy efficiency of the power supply and/or its interaction with the remainder of the system. For example, with reference to FIG. 7, a transformer 71 as coupled to a source of alternating current 70 can have a switch 72 coupled in series with a primary winding thereof. The secondary winding of the transformer 71 couples through a rectifier 73 and provides a 28 volt DC output in accordance with well understood practice (other typically appropriate components, such as filtering capacitors and the like, are not shown for purposes of clarity). This 28 volt line is then coupled to the input of a 5 volt DC regulator 75 that serves to provide the 5 volt power signal required by some of the components of the system as related above. In this embodiment, however, an energy storage capacitor (or capacitors, with only one being shown for the sake of simplicity) 74 is disposed and will serve to store voltage at the input to the 5 volt regulator 75. In addition, a voltage monitor 76 is coupled to detect the voltage level at the input to the 5 volt regulator 75 and to provide a corresponding control signal to the switch 72 that controls the flow of current through the transformer 71 primary winding.

During ordinary operation, when all power is to be made available to all components of the system (for example), the switch 72 remains closed and 28 volts and 5 volts remain fully available at all times to all components. During more quiescent modes of operation, however, the second mode of operation 54 can provide for essentially shutting down the 28 volt supply (which will shut down, partially or completely, those components that ordinarily require such a supply to operate in an ordinary fashion). At the same time, however, the energy storage capacitor 74 will be able to maintain a supply of 5 volts at the output of regulator 75 for short periods of time. The voltage monitor 76 can detect when the voltage across this capacitor 74 is falling too low (such as, for example, below 7 volts) and can then close the switch 72. This will permit the building up of voltage across the capacitor 74 and will also result in a still-continuing availability of 5 volts at the output of the regulator 75. The voltage monitor 76 can again cause the switch 72 to open when the voltage across the capacitor 74 reaches or exceeds some predetermined threshold (such as, for example, 12 volts). By toggling back and forth in this fashion, 5 volts remains available to power certain components (or portions of components as the case may be) but the 28 volt components are essentially powered down. As a result, energy requirements are greatly reduced when operating in this fashion. If, in a given embodiment, there are components that require 28 volts that should not be shut down in this fashion, it would be possible to provide two power supplies, wherein one supply continues to provide 28 volts to such components and the other supply operates as just described to reduce power availability to those components where such denial is acceptable and to otherwise provide 5 volt power to the remaining components.

There are a variety of ways by which the switch 72 can be realized. For example, the switch 72 can be comprised of a relatively small low power relay (especially when the pulse rate is relatively slow). The switch 72 could also be realized through appropriate use of an active device such as, for 5 example, a triac. For example, as shown in FIG. 8, the switch 72A can comprise a triac 81 coupled in series with the primary of the transformer (not shown in this figure). The triac 81 will preferably have a resistor coupled between its control input and ground. (In addition, if desired, a passive device such as a capacitor 83 can be disposed in parallel with the triac 81. This capacitor 83, which is also, of course, disposed in series with the primary winding of the transformer, will limit the amount of energy in the primary when the triac is off and will thereby limit the amount of energy in the secondary. With less energy in the core, the transformer will typically function more efficiently.) So configured, the triac 81 can operate as a switch element being either on or off as desired to support corresponding power requirements. Also as shown in FIG. 8, 20 the voltage monitor 76 can effect provision of control signals via an optical coupler 84 and coupling resistor 85 as are well known in the art. In this particular embodiment, the optical coupler 84, when energized, will switch on the triac 81. If desired, and as shown in FIG. 9, the optical coupler 84 (or 25 other isolation coupler of choice) can instead be connected across the triac 81 so that energizing the triac 81 will short the control gate of the triac 81 and thereby switch the triac 81 off.

Yet other useful and applicable power supply embodiments are possible as well. For example, with reference to FIG. 10, the power supply transformer 71A can be comprised of a split primary 101 and 102. A first primary section 101 would comprise a low power primary to supply power during, for example, a second mode of operation. The second primary section 102 could comprise a higher power primary that is switched in via a switch 81 as needed during higher power modes of operation. As yet another example, and referring now to FIG. 11, the secondary of the power supply transformer 71B can be split or tapped to provide two different $_{40}$ resultant voltage levels. While such a design is not especially dynamic in that it does not switch between such voltage levels in response to changing operational states, it may, under at least some operating conditions, represent a more efficient overall design.

As noted above, more than one power supply may be appropriate in some circumstances to support dynamic reconfiguration for energy management purposes. With reference to FIG. 12, a first and second transformer 71C and 71D can each be configured in series with a switch 121 and 122 respec- $_{50}$ tively (the switch can be coupled in series with the primary or the secondary winding of the power supply transformer of each power supply as appropriate to the particular needs of the application). So configured, the switches 121 and 122 can respond to appropriate control signals from the operator con-55 troller 5 to open or close and thereby combine or isolate the transformers 71C and 71D to provide resultant corresponding power capabilities as limited and/or as unlimited as may be desired.

As already noted, various components of the movable bar- 60 rier operator system can be configured to effect dynamic changes in response to certain operational states to thereby minimize the power requirements of such components. By also modifying the power supply to itself reduce its power provisioning capabilities in tandem with such dynamic alter-65 ations to the components, significant energy savings can be attained.

10

The RPM Detector

The RPM detector 8, at a minimum, expends energy to sense a signal that relates to the position of an object that itself correlates to the position of the output shaft of the motor. Often, the detector 8 will also expend energy to create that signal to be sensed. When the system attains a quiescent state such as occurs when the movable barrier is and has been fully closed for at least some predetermined period of time, a second mode of operation 54 can include reducing the duty cycle of so energizing the detector 8 and/or powering down the detector 8 completely.

The Obstacle Detector

As already described above, a photobeam-based obstacle detector 12 can be configured to permit reduction of the energization cycle and/or complete powering down to accommodate a reduced energy consumption mode of operation. Other embodiments are of course possible. For example, in some embodiments, the remotely disposed wired user interface 14 will include a passive infrared (PIR) device that can detect the presence of a human in the vicinity of the system. To the extent that a system utilizes the obstacle detector 12 to also detect the presence of a person and to trigger the illumination of the worklight 9 in response to such detection, when at least a quiescent condition has been reached where the movable barrier is and has been closed for at least a predetermined period of time, control of the worklight 9 can be left exclusively to the PIR device and the obstacle detector 12 can be relieved of this function. This, in turn, may more readily facilitate the partial or complete powering down of the obstacle detector 12 as already suggested above.

So configured, it can be seen that one or more components of a movable barrier operator system can be configured to operate in at least two different modes of operation, wherein each mode has a differing corresponding energy consumption profile. The mode that requires less energy is frequently less optimum with respect to performance. By matching use of such lower power modes of operation with operational states that present reduced operational challenges, however, a reasonable compromise can be reached as between operational efficacy on the one hand and well managed energy usage on the other.

Those skilled in the art will recognize that a wide variety of modifications, alterations, and combinations can be made with respect to the above described embodiments without departing from the spirit and scope of the invention, and that such modifications, alterations, and combinations are to be viewed as being within the ambit of the inventive concept.

35

45

- 1. A movable barrier operator apparatus comprising:
- a power supply that operably couples to at least one source of alternating current;

an obstacle detector; and

- a movable barrier operator which includes a controller, the movable barrier operator operably coupled to the power supply, receives operating power from the power supply and has at least a first and a second mode of energy consumption operation and being further configured and arranged to:
 - selectively open and close a corresponding movable barrier: and
 - develop an obstacle detector operating mode control signal from the controller as a function of movable barrier operator system state information that indicates whether the barrier is open or closed, the obstacle detector operating mode control signal being operable to directly control the energy usage of the

25

obstacle detector, the control signal from the controller developed as a result of the state information, the state information selected from the group consisting of motor state information, time information, transmission state information, voltage state information, 5 switch state information and combinations thereof,

- the obstacle detector operably coupled to the power supply and to the movable barrier operator, receives operating power from the power supply, and has a plurality of operating modes, wherein at least some of the operating 10 modes have different energy usages, and wherein the obstacle detector is directly responsive to the movable barrier operator obstacle detector operating mode control signal such that:
 - during the first mode of energy consumption operation, ¹⁵ the obstacle detector operates using a first energy usage; and
 - during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the operating power used in ²⁰ one of the energy usages is less than the power used by the other energy usage.

2. The movable barrier operator apparatus of claim **1** wherein the obstacle detector comprises a photobeam-based obstacle detector.

3. The movable barrier operator apparatus of claim **1** wherein the first energy usage comprises at least relatively frequent energization of an obstacle sensor.

4. The movable barrier operator apparatus of claim **3** wherein at least relatively frequent energization comprises ³⁰ substantially continuous energization.

5. The movable barrier operator apparatus of claim **3** wherein the relatively frequent energization of the obstacle sensor using at least some power from the power supply. ³⁵

6. The movable barrier operator apparatus of claim 3 wherein the second energy usage comprises, at most, relatively infrequent energization of the obstacle sensor.

7. The movable barrier operator apparatus of claim 6 wherein the relatively infrequent energization comprises substantially no energization.

8. The movable barrier operator apparatus of claim 6 wherein the relatively infrequent energization of the obstacle sensor comprises energization of the obstacle sensor using at least some power from the power supply.

9. The movable barrier operator apparatus system of claim 1 wherein the operating power used in the second the energy usage is less than the operating power used by the first energy usage and the second energy usage corresponds to a quiescent state of a movable barrier as is operably coupled to the movable barrier operator system.

10. The movable barrier operator apparatus of claim 1 wherein the power supply comprises a plurality of power supplies.

11. The movable barrier operator apparatus system of claim 9 wherein the second energy usage comprises an intermittent sleep mode of operation.

12. The movable barrier operator apparatus of claim 1
wherein the state information includes motor state information
about motor RPMs, the movable barrier operator further com-
prising a motor and a motor RPM sensor, and wherein the
state information includes motor RPMs.of the p
means.12. The movable barrier operator state information
about motor RPMs, the movable barrier operator further com-
of
state information includes motor RPMs.of the p
means.

13. The moveable barrier operator apparatus of claim **1** 65 wherein at least some of the different energy usages have different levels of use of the alternating current such that:

- during the first mode of energy consumption operation, the obstacle detector operates using a first level of use of alternating current where the obstacle detector has an increased use of the alternating current; and
- during the second mode of energy consumption operation, the obstacle detector operates using a second level of use of alternating current, wherein the second level of use of alternating current is lower than the first level of use of alternating current.
- 14. The movable barrier operator apparatus of claim 1 wherein the state information includes time information which provides information about the barrier being stationary for a period of time.

15. The movable barrier operator apparatus of claim 1 wherein the state information includes transmission state information, the transmission state information including transmissions which effect movement of the barrier.

16. The moveable barrier operator apparatus of claim 1 wherein the state information includes switch state information which switch state information includes the identity of a switch having a status which is effected by movement of the barrier.

17. The moveable barrier operator apparatus of claim 1 wherein the state information includes voltage state information which includes information about voltage which is effected by movement of the barrier.

18. A movable barrier operator apparatus as used with a movable barrier, comprising:

- a power supply that operably couples to at least one source of alternating current;
- obstacle detection means operably coupled to the power supply to receive operating power from the power supply for detecting an obstacle to the movable barrier;
- control means operably coupled to the power supply to receive operating power from the power supply and to the obstacle detection means for automatically selectively directly controlling:

opening and closing of the movable barrier; and

energy consumption of the obstacle detection means as a function of movable barrier operator system state information that indicates whether the barrier is open or closed and the state information selected from the group consisting of motor state information, time information, transmission state information, voltage state information, switch state information and combinations thereof, the state information effecting a plurality of power consumption modes which are different, at least one of the power consumption mode consuming less power than another power consumption mode.

19. The movable barrier operator apparatus of claim **18** wherein the obstacle detection means comprises photobeam-based obstacle detection mean for detecting an obstacle by detecting an interrupted photobeam.

20. The movable barrier operator apparatus of claim **18** wherein the power supply further comprises energy storage means, such that the energy storage means will provide energy to the obstacle detection means when at least portions of the power supply are rendered non-operable by the control means.

21. A movable barrier operator apparatus comprising:

a power supply that operably couples to at least one source of alternating current;

an obstacle detector; and

a movable barrier operator which a controller, the movable barrier operator operably coupled to the power supply, receives operating power from the power supply and has

25

35

at least a first and a second mode of energy consumption operation and being further configured and arranged to: selectively open and close a corresponding movable barrier; and

- develop an obstacle detector operating mode control signal 5 from the controller as a function of movable barrier operator system state information that indicates whether the barrier is travelling, the obstacle detector operating mode control signal being operable to directly control the energy usage of the obstacle detector and the state 10 information selected from the group consisting of motor state information, time information, transmission state information, voltage state information, switch state information and combinations thereof,
- the obstacle detector operably coupled to the power supply 15 and to the movable barrier operator, receives operating power from the power supply, and has a plurality of operating modes, wherein at least some of the operating modes have different energy usages, and wherein the obstacle detector is directly responsive to the movable 20 barrier operator obstacle detector operating mode control signal such that:
 - during the first mode of energy consumption operation, the obstacle detector operates using a first energy usage; and
 - during the second mode of energy consumption operation, the obstacle detector operates using a second energy usage, wherein the second energy usage is lower than the first energy usage.

22. The movable barrier operator apparatus of claim **21** 30 wherein the obstacle detector comprises a photobeam-based obstacle detector.

23. The movable barrier operator apparatus of claim **21** wherein the first energy usage personality comprises at least relatively frequent energization of an obstacle sensor.

24. The movable barrier operator apparatus of claim 23 wherein at least relatively frequent energization comprises substantially continuous energization.

25. The movable barrier operator apparatus of claim **23** wherein the relatively frequent energization of the obstacle ⁴⁰ sensor includes energization of the obstacle sensor using at least some power from the power supply.

26. The movable barrier operator apparatus of claim **23** wherein the second energy usage personality comprises, at most, relatively infrequent energization of the obstacle sen- 45 sor.

27. The movable barrier operator apparatus of claim 26 wherein the relatively infrequent energization comprises substantially no energization.

28. The movable barrier operator apparatus of claim **26** 50 wherein the relatively infrequent energization of the obstacle sensor comprises energization of the obstacle sensor using at least some power from the power supply.

29. A movable barrier operator apparatus comprising:

- a power interface configured to be operably coupled to at least one source of alternating current;
- a movable barrier operator configured to be operably coupled to the power interface, to receive operating power, to selectively open and close a corresponding movable barrier, and to have at least a first and a second mode of energy consumption operation, the movable barrier operator comprising:
 - a motor;

an obstacle detector; and

a controller configured to receive movable barrier operator system state information that indicates barrier location, the controller configured to develop an obstacle detector operating mode control signal as a function of the movable barrier operator system state information, the state information selected from the group consisting of motor state information, time information, transmission state information, voltage state information, switch state information and combinations thereof, and the obstacle detector operating mode control signal being operable to directly control the energy usage of the obstacle detector, the obstacle detector, the obstacle detector having a plurality of operating modes at least some of the operating modes having a lower energy usage than another energy usage

30. The movable barrier operator apparatus of claim **29** wherein the state information includes motor state information about motor RPMs, the movable barrier operator further comprising a motor RPM sensor, and wherein the state information includes motor RPMs.

31. The movable barrier operator apparatus of claim **29** wherein the state information includes time information which provides information about the barrier being stationary for a period of time.

32. The movable barrier operator apparatus of claim **29** wherein the state information includes transmission state information, the transmission state information including transmissions which effect movement of the barrier.

33. The moveable barrier operator apparatus of claim **29** wherein the state information includes switch state information which switch state information includes the identity of a switch having a status which is effected by movement of the barrier.

34. The moveable barrier operator apparatus of claim **29** wherein the state information includes voltage state information which includes information about voltage which is effected by movement of the barrier.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

 PATENT NO.
 : 7,755,223 B2

 APPLICATION NO.
 : 10/227182

 DATED
 : July 13, 2010

 INVENTOR(S)
 : James J. Fitzgibbon

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

IN THE CLAIMS:

Column 11, Claim 9, Line 47: After "apparatus" delete "system";

Column 11, Claim 9, Line 48: After "second" delete "the";

Column 11, Claim 11, Line 56: After "apparatus" delete "system"; and

Column 12, Claim 19, Line 53: Change "mean" to -- means --.

Signed and Sealed this

Fifth Day of October, 2010

and J. Kgppos

David J. Kappos Director of the United States Patent and Trademark Office

Case 3:17-cv-02412-BTM-AGS Document 1 Filed 11/30/17 PageID.95 Page 95 of 104

EXHIBIT 3

Case 3:17-cv-02412-BTM-AGS Document 1



US006741052B2

US 6,741,052 B2

May 25, 2004

(12) United States Patent

Fitzgibbon

(54) POST-AUTOMATICALLY DETERMINED USER-MODIFIABLE ACTIVITY PERFORMANCE LIMIT APPARATUS AND METHOD

- (75) Inventor: James J. Fitzgibbon, Batavia, IL (US)
- (73) Assignee: The Chamberlain Group, Inc., Elmhurst, IL (US)
- (*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.
- (21) Appl. No.: 10/120,756
- (22) Filed: Apr. 11, 2002

(65) **Prior Publication Data**

US 2003/0193304 A1 Oct. 16, 2003

- (51) Int. Cl.⁷ H02P 7/00

(56) References Cited

U.S. PATENT DOCUMENTS

| 5,278,480 A | * | 1/1994 | Murray 318/626 |
|-------------|---|--------|------------------|
| 5,399,950 A | * | 3/1995 | Lu et al 318/565 |

| 5,539,290 | Α | * | 7/1996 | Lu et al 318/565 |
|--------------|----|---|---------|--------------------------|
| 6,025,785 | Α | * | 2/2000 | Farris et al 340/5.23 |
| 6,107,765 | Α | | 8/2000 | Fitzgibbon et al 318/266 |
| 6,111,374 | Α | | 8/2000 | Fitzgibbon et al 318/282 |
| 6,118,243 | Α | * | 9/2000 | Reed et al 318/468 |
| 6,133,703 | Α | | 10/2000 | Fitzgibbon et al 318/445 |
| 6,161,438 | Α | * | 12/2000 | Mullet et al 73/774 |
| 6,172,475 | B1 | | 1/2001 | Fitzgibbon et al 318/266 |
| 6,326,751 | B1 | * | 12/2001 | Mullet et al 318/434 |
| 6,400,112 | B1 | | 6/2002 | Fitzgibbon et al 318/445 |
| 6,456,022 | B1 | * | 9/2002 | Fitzgibbon et al 318/162 |
| 6,605,910 | B2 | * | 8/2003 | Mullet et al 318/264 |
| 2003/0062865 | A1 | * | 9/2001 | Mullet et al. |

* cited by examiner

(10) Patent No.:

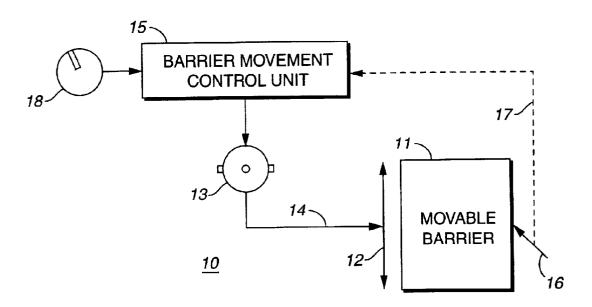
(45) Date of Patent:

Primary Examiner—Rita Leykin (74) Attorney, Agent, or Firm—Fitch, Even, Tabin & Flannery

(57) ABSTRACT

In a control system (10) having a learning mode (20) such that performance limits can be automatically determined for subsequent use during normal operating modes (40), one or more user manipulable controls (18) are provided to allow a user to selectively adjust the previously automatically determined performance limits. In one embodiment the range of adjustment can be limited. The user control (18) can be located in various positions with respect to the control unit (15). In an exemplary embodiment, the control system (10) comprises a movable barrier operating system such as a garage door opener.

35 Claims, 3 Drawing Sheets



U.S. Patent

May 25, 2004

Sheet 1 of 3

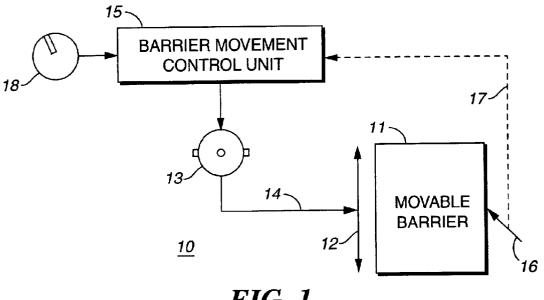


FIG. 1

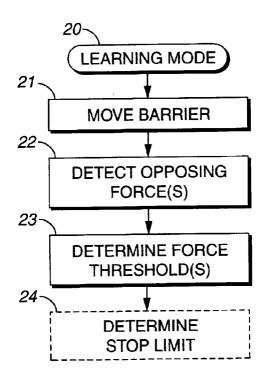


FIG. 2 (PRIOR ART) U.S. Patent

May 25, 2004 Sheet

Sheet 2 of 3

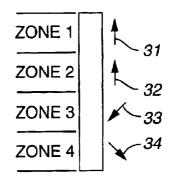
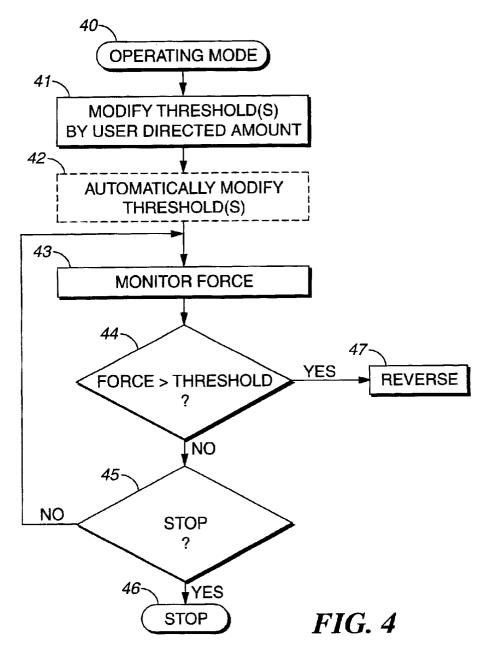


FIG. 3



U.S. Patent

May 25, 2004

Sheet 3 of 3

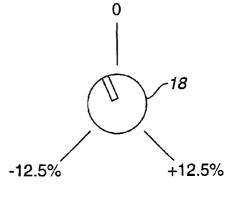
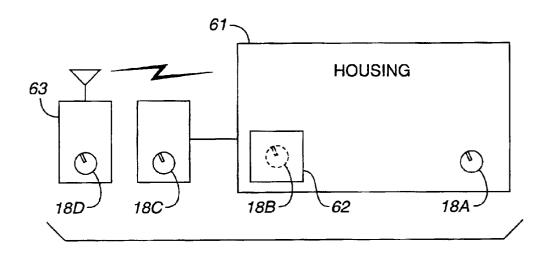
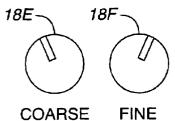


FIG. 5







COARSE

FIG. 7

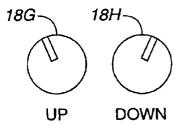


FIG. 8

US 6,741,052 B2

35

60

POST-AUTOMATICALLY DETERMINED USER-MODIFIABLE ACTIVITY PERFORMANCE LIMIT APPARATUS AND **METHOD**

TECHNICAL FIELD

This invention relates generally to control systems and more particularly to movable barrier control systems.

BACKGROUND

Many control systems are known in the art, including control systems for use with movable barriers such as, for example, garage doors. Many such control systems must be 15 calibrated to a given installed setting in order to better accommodate physical influences that can vary from installation to installation. Some control systems provide a human interface to allow an operator to make the appropriate calibration settings. Other systems utilize sensors and/or 20 processing capability to automatically sense the relevant physical influences and then use such information to automatically calibrate the control system to the particular setting.

Automatic calibration can greatly facilitate ease of instal- 25 lation and operation, contributing to cost effective efficiency, efficacy, and safety. Unfortunately, at least for some applications (such as, for example, moveable barrier operators), automatic calibration often does not provide the calibration most suited to a particular setting. Furthermore, even if 30 properly calibrated in the first instance, the appropriate calibration settings may change over time as the physical conditions change (due to, for example, friction and wear, age, temperature, maintenance, temporary (or permanent) physical impingements, and so forth).

BRIEF DESCRIPTION OF THE DRAWINGS

The above needs are at least partially met through provision of the post-automatically determined user-modifiable activity performance limit apparatus and method described in the following detailed description, particularly when studied in conjunction with the drawings, wherein:

FIG. 1 comprises a block diagram depiction of a control unit embodiment configured in accordance with the inven- 45 tion:

FIG. 2 comprises a flow diagram of a learning mode embodiment configured in accordance with prior art practice:

travel and corresponding oppositional forces;

FIG. 4 comprises a flow diagram of operating mode embodiments configured in accordance with the invention;

FIG. 5 comprises a detail view of a user interface that illustrates a range of control;

FIG. 6 comprises a block diagram depiction of various embodiments in accordance with the invention;

FIG. 7 comprises a detail view of an alternative embodiment of a user interface in accordance with the invention; and

FIG. 8 comprises a detail view of yet another alternative embodiment of a user interface in accordance with the invention.

Skilled artisans will appreciate that elements in the figures 65 are illustrated for simplicity and clarity and have not necessarily been drawn to scale. For example, the dimensions of

2

some of the elements in the figures may be exaggerated relative to other elements to help to improve understanding of various embodiments of the present invention. Also, many common elements that are not important to an understanding of the invention are not shown for purposes of clarity.

DETAILED DESCRIPTION

Generally speaking, pursuant to these various 10 embodiments, at least one performance limit that corresponds to a particular activity is automatically determined. A human interface is then provided to allow a subsequent post-determination non-automatic adjustment to be made to the automatically determined performance limit by a user. That automatically determined performance limit as subsequently adjusted is then used when later facilitating the particular activity. To provide a more specific illustrative example of the above, the particular activity can be controlled movement of a movable barrier, such as a garage door, by a motor that is itself controlled by a barrier movement control unit. During a learning mode of operation, one or more force thresholds are automatically determined by the barrier movement control unit. A user manipulable force threshold modification control allows a user to adjust the automatically determined force thresholds, which adjusted thresholds are then subsequently used by the barrier movement control unit during a normal mode of operation when moving the barrier.

So configured, the benefits of automatically calibrating the control unit are realized with all of the usual attendant benefits of safety, efficacy, and efficiency. At the same time, a simple relatively intuitive mechanism is provided to allow a user to compensate for physical circumstances that the automatic calibration process cannot otherwise capture (both during initial installation and subsequently). In one embodiment, to prevent a user from inappropriately adjusting the automatically determined calibration value too far, the range of adjustment for the adjustment mechanism is limited. This aids in assuring that the benefits of automatic calibration, including safety benefits, are not defeated by the post-determination adjustment opportunity.

Referring now to the drawings, and particularly to FIG. 1, various embodiments of a barrier movement control system 10 for use with a movable barrier 11 will be presented to further illustrate these and other inventive concepts. The movable barrier 11 itself can be, for example, a garage door. Such garage doors usually move vertically 12 between opened and closed positions and the examples presented FIG. 3 comprises an illustrative depiction of zones of 50 below are based upon such a configuration. It should be understood, though, that these teachings are equally applicable to other activities, including but not limited to horizontally-moving and pivoting movable barriers. A motor 13, coupled to the movable barrier 11 by a drive apparatus 55 14 in accordance with well understood prior art technique, effects desired movement of the movable barrier 11 (the drive apparatus 14 can be, for example, a chain or screw driven mechanism or any other drive mechanism as may be appropriate to a given application).

> A barrier movement control unit 15 controls operation of the motor 13. Such a control unit 15 typically includes a processor that constitutes a programmable platform that can be suitably programmed to function in accordance with the embodiments presented herein. In the alternative, additional processing capability and/or dedicated circuitry can be added to known controllers to achieve the desired operability. The barrier movement control unit 15 includes an input,

in this embodiment, for receiving data 17 that reflects sensed forces 16 acting in opposition to powered movement of the movable barrier 11. Various sensors, including magnetic and optically based sensors, exist to facilitate such sensing and the application of such sensors for these purposes is also well understood in the art. Therefore, additional details will not be presented here for the sake of clarity and brevity. The barrier movement control unit 15 also couples to a user manipulable force threshold modification control 18. This user control 18 can be, for example, a potentiometer as well understood in the art or, if desired, any other analog or digital input mechanism, including but not limited to DIP switches, analog-to-digital switch interfaces, touch screens, cursor controls, voice actuated mechanisms, and so forth.

Such a control system 10 will also usually have wall 15 mounted switches and/or remote control switches to allow a user to use the control system 10 to control operation of the barrier 11. Such controls are not shown as they are not especially relevant to the concepts being presented. Similarly, the barrier movement control unit 15 will itself often include other elements, including a radio receiver or 20 transceiver, which elements are again not illustrated for purposes of clarity and brevity.

So configured, such a control system 10 can effect a variety of activities including, pertinent to these teachings, a learning mode and a normal operational mode. The learning 25 mode can be an ordinary prior art approach. Since understanding the learning mode can aid in an understanding of these embodiments, at least parts of an exemplary learning mode 20 will be briefly described with respect to FIG. 2. During the learning mode 20, the barrier movement control $_{30}$ unit 15 moves 21 the movable barrier 11, typically from a first position to a second position (for example, from a closed position to an open position). While moving the movable barrier 11, the barrier movement control unit 15 detects 22 forces that work in opposition to the movement of 35 the movable barrier 11. This force (or these forces) are quantified and the results are then used to determine 23 one or more force thresholds for subsequent use during normal operations.

force thresholds can be determined, wherein each force threshold corresponds to a particular zone that the movable barrier 11 traverses during controlled movement. Four such zones are shown for purposes of clarity, though usually more zones than this will be defined for a given garage door 45 not be presented here. setting. As the movable barrier 11 moves through each zone, different forces can and will typically act upon the barrier 11 in full or partial opposition to the intended direction of movement and/or in correspondence with the intended direction of movement. As depicted in FIG. 3, each of the four 50 zones has a corresponding external force 31-34 acting upon the movable barrier 11. By sensing each force for each zone, a corresponding force threshold can be determined that better corresponds to each zone of movement. Also, separate force thresholds can be determined for each zone to accom- 55 relevant threshold(s) to determine if the threshold has been modate movement of the movable barrier 11 in both directions of movement (in the case of a typical garage door, these directions of movement being up and down).

Referring again to FIG. 2, many control systems such as these also optionally determine 24, during a learning mode 60 20, one or more stop limits (that is, movable barrier positions that correspond to an open position and a closed position) that can be subsequently used to inform and facilitate the process of stopping the movable barrier 11 when moving the movable barrier to a desired position. Such stop limits, then, 65 ment for the movable barrier 11. In such a system, as the also constitute an example of an automatically determined performance limit that can benefit from the invention.

1

So configured, in addition to such other calibration events as may be supported during a learning mode of operation, such a control system 10 will automatically empirically determine one or more force thresholds to be used during normal operation of the corresponding movable barrier 11. As will be shown below, such force thresholds are typically used to ensure that sufficient force is available to move the movable barrier to a desired position, while simultaneously ensuring that movement of the movable barrier 11 will be reversed in the event that the movable barrier 11 comes into contact with an obstacle (such as a person or item of personal property) during movement to a desired position. As noted earlier, these automatically determined force thresholds may, or may not, be appropriate and effective when initially determined. Regardless, over time, physical conditions as impact upon movement of the movable barrier 11 will virtually ensure that these initially determined force thresholds become, permanently or temporarily, inappropriate. When inappropriate, this can result in either incomplete movement of the movable barrier 11 to a desired position and/or in an unsafe operational potential to not reverse when the movable barrier **11** impacts an object.

Referring now to FIG. 4, an operating mode 40 for such a barrier movement control unit 15 can beneficially include the following embodiments. The thresholds (both force thresholds and stop limits, if desired) as automatically determined during the learning mode 20 are modified 41 by a user directed amount. This modification can occur immediately after the thresholds are initially determined during the learning process or anytime thereafter. Similarly, the modified threshold value(s) can be determined once, stored, and used thereafter during the operating mode 40 or calculated anew (using the previously automatically determined values and the present settings of the user interface 18 as briefly mentioned above and as described in more detail below) as needed.

Optionally, if desired, these modified thresholds can be automatically modified 42 still further. For example, if correct settings for the thresholds are known to vary in a Referring momentarily to FIG. 3, if desired, a plurality of 40 particular way with respect to some physical parameter, such as temperature, then the adjusted automatically determined threshold can be further modified automatically as a function of that parameter. Such automatic dynamic threshold modifications are known in the art and hence additional detail will

> During the operating mode 40 the relevant parameters are monitored 43 (either continuously, from time to time, or in response to whatever other trigger event might be used in a given application). In this exemplary embodiment utilizing a barrier movement control unit 11, forces acting in opposition to the controlled movement of the barrier 11 are monitored 43 (in addition, or in the alternative, stop limits as mentioned above can be monitored). The forces (and/or stop limit indicia) as monitored are compared 44 against the exceeded. If not, movement of the barrier 11 continues until eventually stop conditions are satisfied 45 and the barrier 11 comes to a controlled stop 46. When a monitored force level does exceed 44 the adjusted force threshold level, however, movement of the barrier 11 is reversed 47 since this condition likely indicates that an obstacle exists in the pathway of the movable barrier 11.

> As noted above, multiple force thresholds can be used in conjunction with multiple corresponding zones of moveopposing force is monitored 43, the threshold value that is compared 44 against the monitored force will change from

zone to zone. Again, as is the case with a single threshold value, these original automatically determined threshold values are all post-determination adjustable by a user using the user control 18.

Notwithstanding the fact that automatically determined 5 threshold values of various kinds are often not optimally determined (either initially or over time due to changing circumstances), such automatically determined values are usually nevertheless relatively accurate. Modifying such values greatly can potentially jeopardize effective and/or 10 safe operation of the controlled device or object. Therefore, pursuant to one embodiment, the range of adjustment as provided to the user via the user control 18 is limited. For example, with reference to FIG. 5, the total range of adjustment can be limited to some predetermined value, such as, 15 for example, no more than 25% of the total potential applicable force that is available. In the example depicted, such a range is split equally on either side of a zero setting. With such a limit, a user can increase, or decrease, a force threshold setting by up to 12.5%, but no further. This allows $_{20}$ a user to fine tune operation of a given controlled activity while also substantially preventing the user from creating an unsafe or significantly inappropriate setting and corresponding operating condition. Other ratios are possible, of course, including apportioning all of the range to either increases or 25 decreases of the force threshold value.

There are various ways to present such a user interface 18, both to suit differing placement preferences and to accommodate various features and alternatives. For example, referring now to FIG. 6, the barrier movement control unit 15 30 (and the motor 13 as well, if desired) can be fully or partially disposed within a housing 61. The user manipulable threshold modification control 18 can be a potentiometer or other user mechanism mounted on the housing 61 as indicated at reference numeral 18A, or within the housing 61 as indi-35 cated at reference numeral 18B (when located internally, a door 62 can be provided to protect the control 18B from being moved or otherwise readjusted inadvertently). The control unit 18 can also be located in a separate unit as indicated by reference numeral 18C that mounts apart from 40the housing 61 and that communicates with the barrier movement control unit 15 through, for example, a wired connection. The control unit 18 can also be located in a wireless unit 63 as indicated by reference numeral 18D (such as, for example, a garage door opener remote control 45 control unit. unit). In all of these embodiments, regardless of whether the user control unit 18 is positioned proximal or distal to the barrier movement control unit 15, a user can readily adjust already automatically determined thresholds that control or influence the operation of the barrier movement control unit 50 15.

Those skilled in the art will recognize that a wide variety of modifications, alterations, and combinations can be made with respect to the above described embodiments without departing from the spirit and scope of the invention. For 55 example, with reference to FIG. 7, two such user control units 18E and 18F can be provided. With such a configuration, for example, both course and fine adjustments can be made by the user as described above with respect to the automatically determined threshold values. As another 60 example, and with reference to FIG. 8, separate control units 18G and 18H can be provided to allow individual adjustment of multiple parameters. In the example depicted, one control unit 18G allows user adjustment of a previously automatically determined force threshold for a movable 65 barrier moving upwardly and a second control unit 18H allows user adjustment of a previously automatically deter6

mined force threshold for a movable barrier moving downwardly. Such modifications, alterations, and combinations are to be viewed as being within the ambit of the inventive concept.

What is claimed is:

1. An apparatus for use with a movable barrier comprising:

- at least one motor operably coupleable to the movable barrier;
- a barrier movement control unit operably coupled to the at least one motor, which barrier movement control unit includes:
 - a processor operably coupled to receive information regarding at least some forces acting upon the movable barrier when the movable barrier is moving and being arranged and configured to automatically determine at least one force threshold during a first mode of operation for use by the barrier movement control unit when controlling the motor in a second mode of operation; and
 - a user manipulable force threshold modification control having an output that provides force threshold modification information for use by the barrier movement control unit when controlling the motor in the second mode of operation.

2. The apparatus of claim 1 wherein the user manipulable force threshold modification control comprises at least one potentiometer.

3. The apparatus of claim **2** wherein the user manipulable force threshold modification control comprises at least two potentiometers.

4. The apparatus of claim 2 and further comprising a housing to at least partially house the at least one motor and the barrier movement control unit.

5. The apparatus of claim 4 wherein the user manipulable force threshold modification control is disposed proximal to the housing.

6. The apparatus of claim 4 wherein a portion of the user manipulable force threshold modification control is disposed distal to the housing.

7. The apparatus of claim 6 wherein a portion of the user manipulable force threshold modification control is disposed proximal to a portable remote control device, which remote control device communicates with the barrier movement control unit.

8. The apparatus of claim 1 wherein the processor is further arranged and configured to automatically determine a plurality of the force thresholds during the first mode of operation.

9. The apparatus of claim 1 wherein the first mode of operation comprises a learning mode of operation.

10. The apparatus of claim 1 wherein the second mode of operation comprises moving the movable barrier from an open position to a closed position.

11. The apparatus of claim 1 wherein the second mode of operation comprises moving the movable barrier from a closed position to an open position.

12. The apparatus of claim 1 wherein the second mode of operation comprises moving the movable barrier from a first position to a second position.

13. The apparatus of claim 12 wherein the second mode of operation includes using the at least one force threshold to determine whether the movable barrier should be moved in a reverse direction.

14. The apparatus of claim 1 wherein the processor includes learning means for sensing the at least some forces acting upon the movable barrier when the movable barrier

15

20

25

30

35

60

65

moves during a learning mode of operation to provide sensed forces information and utilizes at least some of the sensed forces information to determine the at least one force threshold.

15. The apparatus of claim **14** wherein the learning means senses at least one force acting in opposition to controlled movement of the movable barrier.

16. The apparatus of claim 15 wherein the learning means senses the at least one force acting in opposition to controlled movement of the movable barrier a plurality of times during the controlled movement of the movable barrier.

17. The apparatus of claim 1 wherein the user manipulable force threshold modification control is limited such that a range of force threshold modification information as provided at the output of the user manipulable force threshold modification control comprises less than 25 percent of total potential applicable force.

18. The apparatus of claim 1 wherein the processor is further arranged and configured to automatically determine a plurality of force thresholds during the first mode of operation with each of the plurality of force thresholds corresponding to at least partially discrete sections of barrier movement, and wherein the user manipulable force threshold modification control has an output that provides force threshold modification information for use by the barrier movement control unit with at least some of the plurality of force thresholds when controlling the motor in the second mode of operation.

19. A movable barrier control system for use with a barrier that is movable between a first position and a second position, the movable barrier control system comprising:

- a motor operably coupleable to the movable barrier;
- a sensor having an output that provides data that corresponds to at least some forces acting upon the movable barrier when the movable barrier is moving;
- a barrier movement control unit operably coupled to the motor, which barrier movement control unit includes:
 - a processor operably coupled to the sensor output and being arranged and configured to automatically determine at least one force threshold during a 40 learning operating mode for use by the barrier movement control unit when controlling the motor in a subsequent barrier movement mode of operation; and
 - a user manipulable force threshold modification control 45 having an output that provides force threshold modification information for use by the barrier movement control unit when controlling the motor in the subsequent barrier movement mode of operation, wherein the user manipulable force threshold modification control is limited such that a range of force threshold modification information as provided at the output of the user manipulable force threshold modification control comprises less than 25 percent of total potential applicable force. 55

20. The movable barrier control system of claim **19** wherein the barrier comprises a garage door.

21. The movable barrier control system of claim 19 wherein the sensor comprises at least one of an optical sensor and a magnetic sensor.

22. A garage door control system for use with a garage door that is movable between a first position and a second position, the garage door control system comprising:

- a motor and drive apparatus operably coupleable to the garage door;
- sensing means for sensing movement of at least part of the motor and drive apparatus;

8

- user input means for providing force modification information;
- control means operably coupled to the motor and drive apparatus, the sensing means, and the user input means for;

in a first mode of operation:

- causing the motor and drive apparatus to move the garage door from the first position to the second position;
- automatically measuring at least one force acting in opposition to the garage door when the garage door is moving from the first position to the second position to provide measured force information;
- automatically using the measured force information to establish at least one maximum force threshold; and

in a second mode of operation;

- modifying the at least one maximum force threshold in response to the force modification information to provide at least one modified maximum force threshold;
- automatically using the at least one modified maximum force threshold when moving the garage door between the first position and the second position.

23. The garage door control system of claim 22 wherein the control means, in the first mode of operation, further automatically measures at least one distance as traversed by the garage door when moving from the first position and the second position to provide measured distance information and uses the measured distance information to establish a stop limit.

24. The garage door control system of claim 23 wherein the control means, in the second mode of operation, further automatically uses the stop limit to stop movement of the garage door when moving the garage door between the first position and the second position.

25. The garage door control system of claim 24 and further comprising second user input means for providing stop limit modification information and wherein the control means, in the second mode of operation, modifies the stop limit in response to the stop limit modification information to provide a modified stop limit and then automatically uses the modified stop limit when moving the garage door between the first position and the second position.

26. The garage door control system of claim 22 wherein the control means will only modify the at least one maximum force threshold in response to the force modification information by an amount that does not exceed 25 percent of the available potential force.

27. A method comprising:

- moving a movable barrier from a first position to a second position;
- automatically sensing at least one force acting in opposition to movement of the movable barrier when the movable barrier is moving from the first position to the second position to provide sensed force information;
- automatically using the sensed force information to determine a maximum force threshold for subsequent use when moving the movable barrier;
- sensing user input comprising a maximum force threshold modification;
- using the maximum force threshold modification to modify the maximum force threshold for subsequent use in place of the maximum force threshold when moving the movable barrier.

28. The method of claim **27** wherein automatically sensing at least one force acting in opposition to movement of the movable barrier includes automatically sensing at least

US 6,741,052 B2

10

25

one force acting in opposition to movement of the movable barrier a plurality of times when the movable barrier is moving from the first position to the second position to provide a plurality of discrete sensed force information items.

29. The method of claim **28** wherein automatically using the sensed force information to determine a maximum force threshold includes automatically using at least some of the plurality of discrete sensed force information items to determine a plurality of maximum force thresholds for subsequent use when moving the movable barrier.

30. The method of claim **29** wherein using the maximum force threshold modification to modify the maximum force threshold includes using the maximum force threshold modification to modify at least one of the plurality of maximum force thresholds for subsequent use in place of the ¹⁵ plurality of maximum force thresholds when moving the movable barrier.

31. A method comprising:

- moving a movable barrier from a first position to a second position; 20
- automatically sensing at least one force acting in opposition to movement of the movable barrier when the movable barrier is moving from the first position to the second position to provide first sensed force information;
- automatically using the first sensed force information to determine a first maximum force threshold for subsequent use when moving the movable barrier to the second position;
- sensing first user input comprising a first maximum force ³⁰ threshold modification;
- using the first maximum force threshold modification to modify the first maximum force threshold for subsequent use in place of the first maximum force threshold when moving the movable barrier to the second position;
- moving a movable barrier from the second position to the first position;
- automatically sensing at least one force acting in opposition to movement of the movable barrier when the movable barrier is moving from the second position to the first position to provide second sensed force information;
- automatically using the second sensed force information to determine a second maximum force threshold for subsequent use when moving the movable barrier to the first position;

10

- sensing second user input comprising a second maximum force threshold modification;
- using the second maximum force threshold modification to modify the second maximum force threshold for subsequent use in place of the second maximum force threshold when moving the movable barrier to the first position.

32. A method comprising:

- automatically determining at least one performance limit that corresponds to a particular activity;
- providing a post-determination human interface to permit non-automatic adjustment, within a limited range, of the at least one performance limit;
- providing an adjusted at least one performance limit in response to a post-determination non-automatic adjustment of the at least one performance limit;
- automatically using the adjusted at least one performance limit when facilitating the particular activity.

33. A method for use with movable barrier operators, comprising:

- automatically determining at least one performance limit that corresponds to a particular movable barrier operator activity;
- providing a post-determination human interface to permit non-automatic adjustment, within a limited range, of the at least one performance limit;
- providing an adjusted at least one performance limit in response to a post-determination non-automatic adjustment of the at least one performance limit;
- automatically using the adjusted at least one performance limit when facilitating the particular movable barrier operator activity.

34. The method of claim 33 wherein automatically determining at least one performance limit that corresponds to a particular movable barrier operator activity includes automatically determining at least one performance limit that corresponds to a stop limit for a movable barrier.

35. The method of claim **33** wherein automatically determining at least one performance limit that corresponds to a particular movable barrier operator activity includes automatically determining at least one performance limit that corresponds to a force limit for a movable barrier.

* * * * *