

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION**

**RICPI COMMUNICATIONS LLC,** )  
)  
)  
**Plaintiff,** )  
)  
**v.** )  
)  
**EMERGENCY RADIO SERVICE, LLC,** )  
**d/b/a ERS-OCI WIRELESS,** )  
)  
**Defendant.** )  
\_\_\_\_\_ )

**CIVIL ACTION No. 4:18-cv-30**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR INFRINGEMENT OF PATENT**

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

**NATURE OF THE ACTION**

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

**THE PARTIES**

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

3. Plaintiff RICPI is the lawful assignee of all right, title, and interest in and to the '806 Patent, including rights to sue for acts of past and future infringement.

4. Upon information and belief, Defendant is a company organized and existing under the laws of the State of Indiana, having a principal place of business at 9144 North 900 West, Ligonier, IN, 46767. Upon information and belief, Defendant may be served with process at the same address.

5. On information and belief, Defendant has and continues to market, offer to sell, and sell its products that infringe the patent-in-suit throughout the region, including Indiana and in this district, and has numerous physical business locations in Indiana and in this district including at least in Indianapolis, Bloomington, and Columbus.

#### **JURISDICTION AND VENUE**

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

7. This Court has personal jurisdiction over Defendant by virtue of its systematic and continuous contacts with this jurisdiction, including residing in Indiana and in this district, as well as because of the injury to RICPI, and the cause of action RICPI has risen, as alleged herein.

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

9. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) because Defendant resides in this District, and/or has committed acts of infringement and has a regular and established place of business in this District.

### **FACTUAL ALLEGATIONS**

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

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

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

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

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

### **DEFENDANT’S PRODUCTS**

15. The accused products include, but are not limited to, the “RADIOPRO” solution (the “Accused Product”). For example, publicly available information describing the Accused Product shows that RADIOPRO comprises a system for two-way radio communication.<sup>1</sup>

16. The Accused Product comprises a first two-way radio comprising: (i) a means (e.g., a mobile phone touchscreen input) for selecting and transmitting a signal code (e.g., selecting a channel code pertaining to a target base station to which another two-radio is

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<sup>1</sup> <http://www.ctiproducts.com/radiopro.html>, last visited October 17, 2017.

associated with) to a shared, public base/repeater station (e.g., a repeater which the first two-way radio is associated with which in turn is connected to IP gateway); (ii) a means (e.g., every mobile phone comprises a transmitter transmitting communication signals on radio frequency bands) for sending two-way radio communication signals to said shared, public base/repeater station; (iii) a means (e.g., every mobile phone comprises a receiver receiving communication signals on radio frequency bands) for receiving two-way radio communication signals from said shared, public base/repeater station.

17. The Accused Product comprises (b) said shared, public base/repeater station comprising: (i) a base/repeater station decoder (e.g., a repeater decoder is an integral part of the base/repeater station to perform decoding functions) at said shared, public base/repeater station for decoding the signal code from said first two-way radio into a signal that is recognized by a base/repeater station controller (e.g., repeater controller which is an inherent component of repeater which deals with identification of stations) located at said shared, public base/repeater station and transferring said signal to said base/repeater station controller via a dedicated connection.

18. The Accused Product comprises (ii) wherein said base/repeater station controller comprises a means for receiving said decoded signal from said base/repeater station decoder and correlating said decoded signal to one or more internet addresses associated with at least one target base station by which there is established a bi-directional computer network link (e.g., radio signal from repeater passes from IP Gateway which interfaces the repeater to IP network, hence an IP link is established) with said at least one target base station using said internet address (e.g., IP address) for the exchange of two-way radio communication signals; and (iii) wherein said shared, public base/repeater station further comprises a means for sending and

receiving two-way radio communications signals to and from said first two-way radio (e.g., repeater receiving signal from two-way radio and transmitting it to IP gateway, hence repeater must have transmitter and receiver).

19. The Accused Product comprises (c) wherein said at least one said target base station comprises: (i) a target station controller located at said target base station (e.g., controller integrated in a base station/repeater) comprising a means for establishing a bi-directional computer network link with said shared, public base/repeater station for two-way radio communication signals; and (ii) wherein said at least one target base station further comprises a means for sending and receiving (e.g., target repeater receives signal from IP Gateway and transmits it to the end two-way radio device, hence it must consist a transmitter and receiver) two-way radio communication signals to and from a second two-way radio.

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

21. The Accused Product comprises (e) whereby two-way radio communication signals are bi-directionally exchanged directly between said first two-way radio and said second two-way radio via said bi-directional computer network link directly between said shared, public base/repeater station controller and said target station controller (e.g., between first base/repeater station and target station since controller is a part of repeater itself).

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

### **COUNT I**

(Infringement of the '806 Patent)

23. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1 to 22.

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

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

26. Defendant has directly infringed and continues to directly infringe at least claim 1 of the '806 patent by using, selling and/or offering to sell the Accused Product without authority in the United States, and will continue to do so unless enjoined by this Court. For example, Defendant sells, offers to sell and advertises the Accused Product in this District.<sup>2</sup> As a direct and proximate result of Defendant's direct infringement of the '806 patent, Plaintiff has been and continues to be damaged.

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

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

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

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<sup>2</sup> <http://www.ers-oci.com/request-a-quote.htm>, last visited October 17, 2017.

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

**DEMAND FOR JURY TRIAL**

31. RICPI demands a trial by jury of any and all causes of action to which it is entitled to trial by jury pursuant to Fed. R. Civ. P. 38 and otherwise so entitled.

**PRAYER FOR RELIEF**

WHEREFORE, RICPI prays for the following relief:

1. That Defendant be adjudged to have infringed the Patent-in-Suit directly, literally and/or under the doctrine of equivalents;
2. That this Court adjudge and decree that the '806 Patent is valid and enforceable against Defendant;
3. That Defendant, its officers, directors, agents, servants, employees, attorneys, affiliates, divisions, branches, parents, and those persons in active concert or participation with any of them, be permanently restrained and enjoined from directly infringing the Patent-in-Suit;
4. An award of damages pursuant to 35 U.S.C. §284 sufficient to compensate RICPI for the Defendant's past infringement and any continuing or future infringement up until the date that Defendant is finally and permanently enjoined from further infringement, including compensatory damages;
5. An assessment of pre-judgment and post-judgment interest and costs against Defendant, together with an award of such interest and costs, in accordance with 35 U.S.C. §284;

6. That Defendant be directed to pay enhanced damages, including RICPI's attorneys' fees incurred in connection with this lawsuit pursuant to 35 U.S.C. §285; and

7. That RICPI have such other and further relief as this Court may deem just and proper.

Respectfully submitted,  
DUNCAN GALLOWAY EGAN  
GREENWALD, PLLC

Dated: February 21, 2018

s/Kevin T. Duncan  
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