

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

CLEAN ENERGY MANAGEMENT	)	
SOLUTIONS, LLC,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 2:18-cv-267
v.	)	
	)	<b>JURY DEMANDED</b>
CELLCO PARTNERSHIP,	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT**

For its Complaint, Plaintiff Clean Energy Management Solutions, LLC ("Clean Energy"), by and through the undersigned counsel, alleges as follows:

**THE PARTIES**

1. Clean Energy is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 475, Plano, Texas 75093.
2. Defendant Cellco Partnership is a Delaware company that does business as Verizon Wireless.
3. Upon information and belief, Defendant regularly conducts business at 741 North Central Expressway, Plano, Texas 75075.
4. Upon information and belief, Defendant has registered with the Texas Secretary of State to conduct business in Texas.
5. By registering to conduct business in and having a physical location in Texas, Defendant has a permanent and continuous presence in Texas.

**JURISDICTION AND VENUE**

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

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

8. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, 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 this district.

9. Venue is proper in this district pursuant to § 1400(b).

#### **THE PATENT-IN-SUIT**

10. On October 11, 2011, U.S. Patent No. 8,035,479 (the "'479 patent"), entitled "Mesh Network Door Lock" was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '479 patent is attached hereto as Exhibit A.

11. The claims of the '479 patent provide an inventive concept and do not claim an abstract idea. The inventive concept of the '479 patent greatly enhances home or business automation and security. The use of a code from a mesh network key and a mesh network to provide access to a secured area upon authenticating the code is an improvement over the prior art in that it provides the effectiveness of the conventional mechanical door latch locks that had not previously been duplicated by the complicated, high power consuming or ineffective prior art electronic lock structures.

12. The claims of the '479 patent, moreover, do not merely recite the performance of a longstanding business practice on a computer; rather the claims describe a solution necessarily rooted in electromechanical technology to solve a problem specifically arising in the realm of automated security. The patent specification, for example, explains how prior art electronic lock

structures were not "pick-proof" low power lock configurations that were compatible with the internal locking mechanisms of universally used conventional key-operated door latch locks. The '479 patent overcame this difficulty, among others, by using an algorithm and an electromechanical device to lock or unlock a secured area based on sending a code from a mesh network key and wirelessly communicating the code over a mesh network, receiving the code at a mesh network lock controller and providing access to a secured area upon authenticating the code.

13. Clean Energy is the assignee and owner of the right, title and interest in and to the '479 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,035,479**

14. Clean Energy repeats and realleges the allegations of paragraphs 1 through 13 as if fully set forth herein.

15. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe at least claim 15 of the '479 patent by making, using, importing, offering for sale, and/or selling, systems and methods that provide access to a secured area through use of a mesh network, including, but not limited to SmartHub.

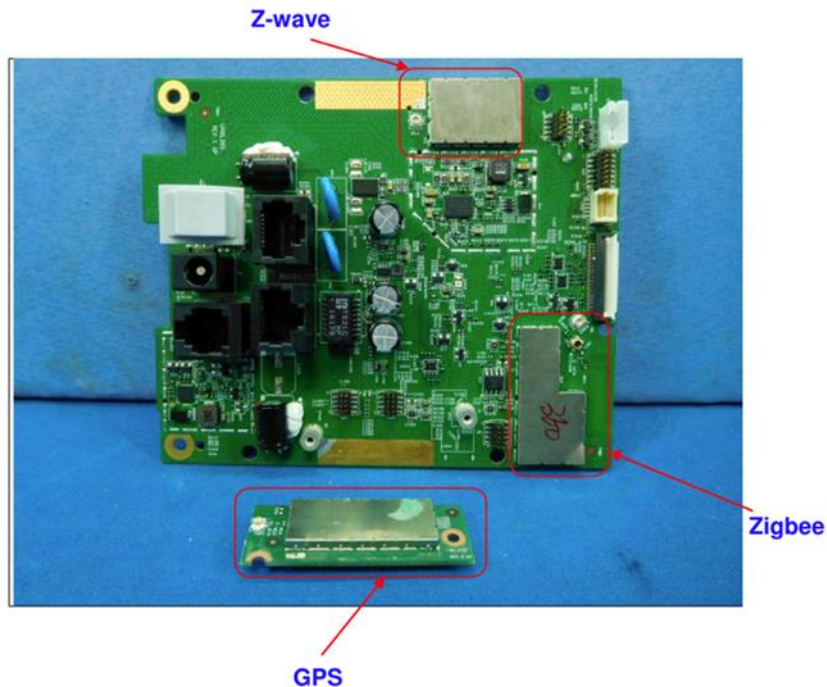
16. Upon information and belief, Defendant used the accused SmartHub via its internal use and testing in the United States, directly infringing one or more claims of the '479 patent.

17. More specifically, SmartHub is a home control system that integrates door locks and garage door openers using mesh network connectivity. *See* <https://www.verizonwireless.com/home-services/smarthub/> ("Home Services SmartHub") (last

accessed June 18, 2018). SmartHub sends a code to unlock a door and provide access to a secured area using a mesh network. See <https://www.verizonwireless.com/home-services/smarthub/> (last accessed June 18, 2018).

<b>Other information</b>	<ul style="list-style-type: none"><li>• This product can be included and operated in any Z-Wave network with other Z-Wave certified devices from other manufacturers and/or other applications. All non-battery operated nodes within the network will act as repeaters regardless of vendor to increase reliability of the network.</li><li>• This product is a security enabled Z-Wave product that is able to use encrypted Z-Wave messages to communicate to other security enabled Z-Wave products.</li></ul>
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MBHA10 Gateway: Z-Wave Manual ("Manual") at p. 2 of 6 (available at <https://products.z-wavealliance.org/ProductManual/File?folder=&filename=Manuals/2325/MBHA10 Gateway - Z-Wave user manual.pdf> (last accessed June 18, 2018)). SmartHub is a full function device that communicates with an end node, router node, and integrated coordinator node. See Home Services SmartHub.



MGM0110VZN LTE Router Teardown Internal Photos Technicolor Connected Home USA LLC at p. 9 (available at <https://fccid.io/G95-MGM0110VZN/Internal-Photos/Internal-Photos->

3321614 (last accessed June 18, 2018)); *see also* Manual at p. 2 of 6. The mesh network used by SmartHub forwards data from node to node to a destination so that data (unlock or lock command) reaches the destination even if a node fails or is not within range.

<p><b>Other information</b></p>	<ul style="list-style-type: none"> <li>• This product can be included and operated in any Z-Wave network with other Z-Wave certified devices from other manufacturers and/or other applications. All non-battery operated nodes within the network will act as repeaters regardless of vendor to increase reliability of the network.</li> <li>• This product is a security enabled Z-Wave product that is able to use encrypted Z-Wave messages to communicate to other security enabled Z-Wave products.</li> </ul>
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Manual at p. 2 of 6. SmartHub uses the coordinator node integrated in the full-function device to establish the network and define the main parameters for the mesh network.

- Click Discover or Exclude to add or remove devices from the Z-Wave controller's network.
- Click Learn Mode or Learn Mode NWI then click Yes to confirm removal.
- Click Controller Reset then click Yes to confirm removal.

Advanced Settings – SmartHub with Voice (available at <https://www.verizonwireless.com/support/knowledge-base-211937/> (last accessed June 18, 2018)).

<p><b>Configure device</b></p>	<p>This function is used to change device specific parameters. A description of these parameters can be found in the manual of your Z-Wave device.</p>	<p>Configuration</p> <p>Parameter <input type="text"/> Value <input type="text"/></p> <p><input type="text"/></p> <p>Write Read Stop</p>
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Manual at p. 6 of 6. The end node (e.g., control panel touch screen or buttons, key fobs, smartphone, tablet, etc.) is a reduced function device which is capable of communicating with the mesh network and does not participate in the routing of the command to lock or unlock the door.

1. What is SmartHub and what can it do for me? —

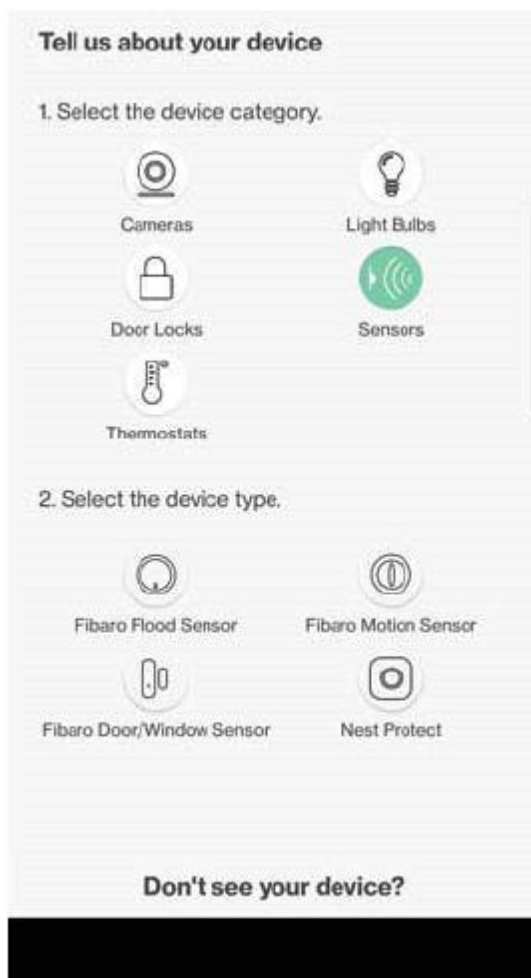
SmartHub is a wireless, smart home solution that manages your connected home devices, provides reliable, high-speed internet powered by America's Largest and Most Reliable 4G LTE network, and home phone service with HD Voice\*, all in one elegant device.

You can use SmartHub as your primary source for internet and phone service at home or when you travel.

It works with your favorite smart home devices, such as door locks, lights and thermostats and more, conveniently controlled from your smartphone with the Verizon Home™ app.

\*Available if both parties have HD Voice and are in a 4G LTE coverage area.

SmartHub & Verizon Home FAQs (available at <https://www.verizonwireless.com/support/smarthub-faqs/> (last accessed June 18, 2018)). SmartHub is compatible with several mesh network lock controllers. See <https://www.verizonwireless.com/support/smarthub-compatible-devices/> (last accessed June 18, 2018). The code for locking and unlocking is received at the door lock and enables the locking or unlocking of the door.



Add a Device - SmartHub with Voice - Verizon Home App (available at <https://www.verizonwireless.com/support/knowledge-base-212120/> (last accessed June 18, 2018)).

Control smart home devices right from the app.



<https://itunes.apple.com/app/id1218012198> (last accessed June 18, 2018). SmartHub will unlock the door upon authentication of the code.

**Create a worry-free home.**

SmartHub gives you peace of mind away from home with the ability to lock your doors, keep an eye on motion and water sensors, and more to safeguard your home from miles away.

**Stay connected at home or away.**

Control, monitor and even set routines for your smart home devices all from the Verizon Home™ app. Connect up to 200 devices, including:

- Thermostats
- Lights
- Security cameras
- Motion sensors
  
- Carbon monoxide detectors
- Water sensors
- Door & window sensors
- Door locks

*See Home Services SmartHub.*

18. Clean Energy is entitled to recover from Defendant the damages sustained by Clean Energy as a result of Defendant's infringement of the '479 patent in an amount subject to



proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**JURY DEMAND**

Clean Energy hereby demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Clean Energy requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '479 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Clean Energy for Defendant's past infringement of the '479 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Clean Energy's reasonable attorneys' fees; and
- D. An award to Clean Energy of such further relief at law or in equity as the Court deems just and proper.

Dated: June 29, 2018

*/s/ Richard C. Weinblatt*

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*/s/ L. Charles van Cleef*

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