

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

<p>Inventergy LBS, LLC, Plaintiff, v. Optimus GPS Tracking Corp, Defendant.</p>	<p>Case No. _____ Patent Case Jury Trial Demanded</p>
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Inventergy LBS, LLC (“Inventergy”), through its attorney, Isaac Rabicoff, complains of Optimus GPS Tracking Corp, (“Optimus”), and alleges the following:

PARTIES

1. Plaintiff Inventergy LBS, LLC is a corporation organized and existing under the laws of Delaware and maintains its principal place of business at 900 E. Hamilton Ave., Campbell, CA 95008.

2. Defendant Optimus GPS Tracking Corp is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 2219 Sawdust Road, Suite 804, Spring, TX 77380.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Optimus because it has engaged in systematic and continuous business activities in the Eastern District of Texas. Specifically, Optimus provides a full range of products to residents in this District. Optimus is also incorporated in the state of Texas. As described below, Optimus has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Optimus has committed acts of patent infringement in this District and is incorporated in the state of Texas. In addition, Inventergy has suffered harm in this district.

THE PATENT-IN-SUIT

7. Inventergy is the assignee of all right, title and interest in United States Patent No. 9,219,978 (the "'978 Patent" or "Patent-in-Suit"), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Inventergy possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Optimus.

The '978 Patent

8. On December 22, 2015, the United States Patent and Trademark Office issued the '978 Patent. The '978 Patent is titled "System and Method for Communication with a Tracking Device." The application leading to the '978 Patent was filed on June 24, 2015; which was a divisional application of U.S. Patent Application No. 13/443,180, that was filed on April 10, 2012; which was a continuation of U.S. Application No. 12/322,941, that was filed on February 9, 2009; which claims priority from provisional application number 61/065,116, that was filed on February 8, 2008. A true and correct copy of the '978 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '978 Patent is valid and enforceable.

10. The inventors recognized that there was a need for a system and method for providing enhanced communication with tracking devices, while minimizing power consumption and network air time. Ex. A, 1:45–51.

11. The invention in the '978 Patent provides a tracking device with a location detector, communication device, memory processor and configuration routine. *Id.* at 2:1–3.

COUNT I: INFRINGEMENT OF THE '978 PATENT

12. Inventergy incorporates the above paragraphs herein by reference.

13. **Direct Infringement.** Optimus has been and continues to directly infringe at least claim 1 of the '978 Patent in this District and elsewhere in the United States by providing a system, for example, the Optimus Mini GPS Tracker, that satisfies the preamble of claim 1: “A tracking device.” For example, Optimus’ Mini GPS Tracker is a tracking device. *See* Figure 1.





Figure 1. Optimus' Mini GPS Tracker is a tracking device.

14. The Optimus Mini GPS Tracker satisfies claim element 1(a): “a location detector operative to determine locations of said tracking device.” For example, the Optimus Mini GPS Tracker tracks location using a built-in GNSS receiver supporting GPS and works digitally. See Figure 2.



Figure 2. The Optimus Mini GPS Tracker tracks location using a built-in GNSS receiver supporting GPS and works digitally.

15. The Optimus Mini GPS Tracker satisfies claim element 1(b): “a communication device operative to communicate with a remote system.” For example, the Optimus Mini GPS has a communication device, such as a cell phone, that works remotely and has a central station that receives signals. *See* Figures 3, 4.

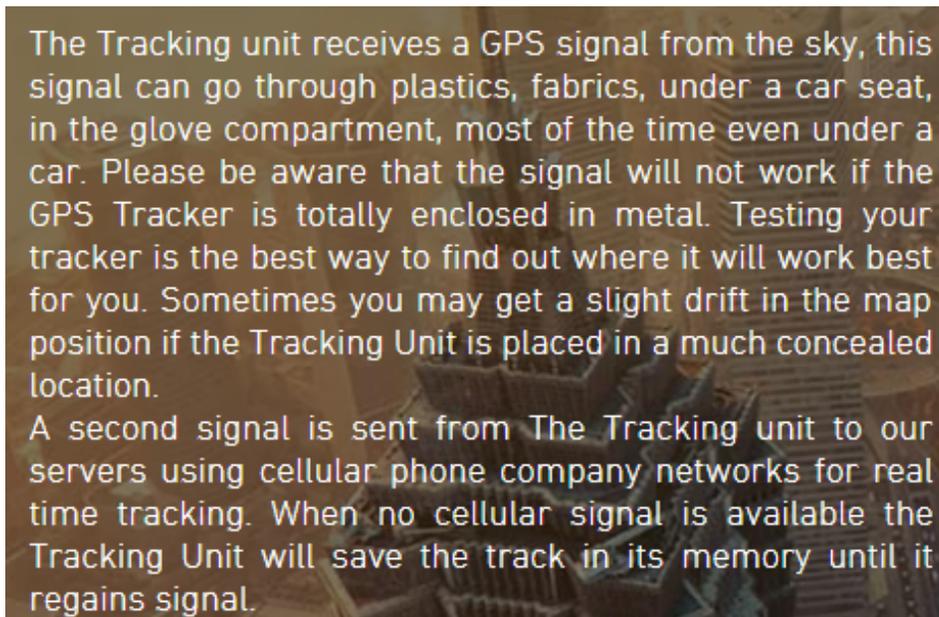


Figure 3. The Optimus Mini GPS Tracker has a central station that receives signals.

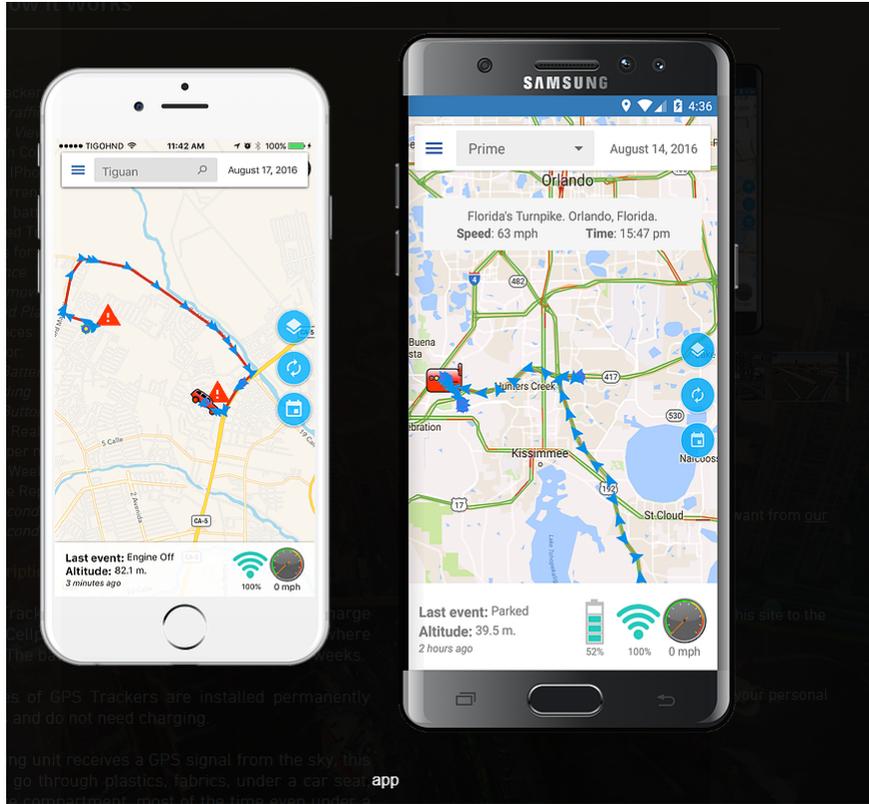


Figure 4. The Optimus Mini GPS Tracker has a communication device, such as a cell phone, that works remotely.

16. The Optimus Mini GPS Tracker satisfies claim element 1(c): “memory for storing data and code, said data including location data determined by said location detector and configuration data.” For example, the Optimus Mini GPS Tracker has on-board memory capable of storing location data. *See* Figure 3.

17. The Optimus Mini GPS Tracker satisfies claim element 1(d): “a processor operative to execute said code to impart functionality to said tracking device, said functionality of said tracking device depending at least in part on said configuration data.” For example, the Optimus Mini GPS Tracker includes a processor that executes code to determine the location of the Mini GPS Tracker and sends reports based on various modes, for example, on a minute by minute basis. *See* Figures 5, 6.

in standby mode. Follow the units track minute by minute (upgradable to every 10 seconds) on the user friendly tracking website with Google Maps.

Figure 5. The Optimus Mini GPS Tracker includes a processor that executes code to determine the location of the Optimus Mini GPS Tracker, for example, every 10 seconds.

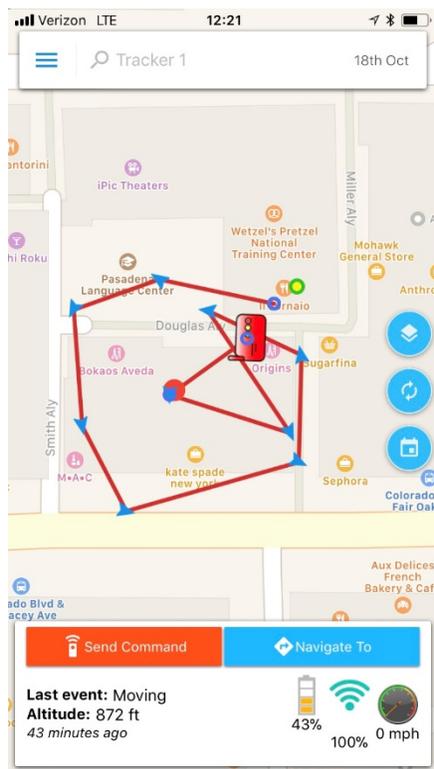


Figure 6. The Optimus Mini GPS Tracker sends reports to the user of the tracker minute by minute.

18. The Optimus Mini GPS Tracker satisfies claim element 1(e): “a configuration routine operative to modify said configuration data responsive to a communication from said remote system.” For example, the Optimus Mini GPS Tracker can operate in various modes, and each mode selected determines how frequently the location is reported, from 10 seconds to 10 minutes. See Figures 5-7.

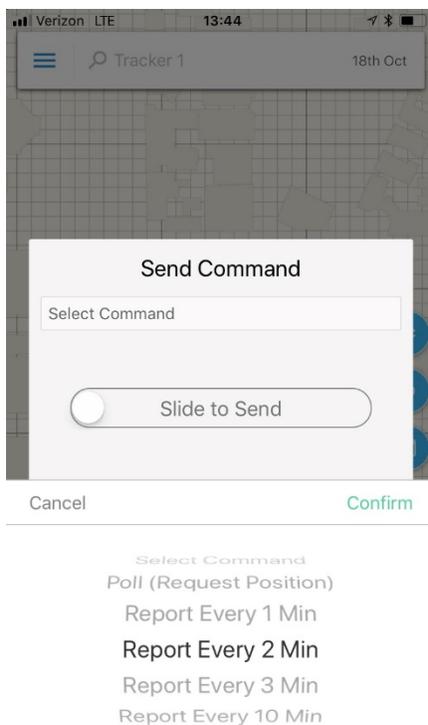


Figure 7. The Optimus Mini GPS Tracker can operate in various modes, and each mode selected determines how frequently the location is reported, for example, from 1 minute to 10 minutes.

19. The Optimus Mini GPS Tracker satisfies claim element 1(f): “a buffering routine operative to buffer location data indicative of a plurality of said locations when said communication device is unable to communicate with said remote system.” For example, the Optimus Mini GPS Tracker receives one location point per minute and stores the location point in its memory if it cannot communicate with the server, based on a lack of cellular coverage. *See* Figures 2, 8.



Figure 8. The Optimus Mini GPS Tracker receives one location point per minute and store the location point in its memory if it cannot communicate with the server, based on a lack of cellular coverage, which was found by removing the SIM card.

20. The Optimus G-sat satisfies claim element 1(g): “a reporting routine operative to transmit said location data indicative of said plurality of said locations when said communication device is able to communicate with said remote system.” For example, the Optimus Mini GPS Tracker has a reporting mechanism that is activated when requested if the communication server cannot communicate with the Mini GPS Tracker and restore data stored in the SIM card. *See* Figures 2, 9.

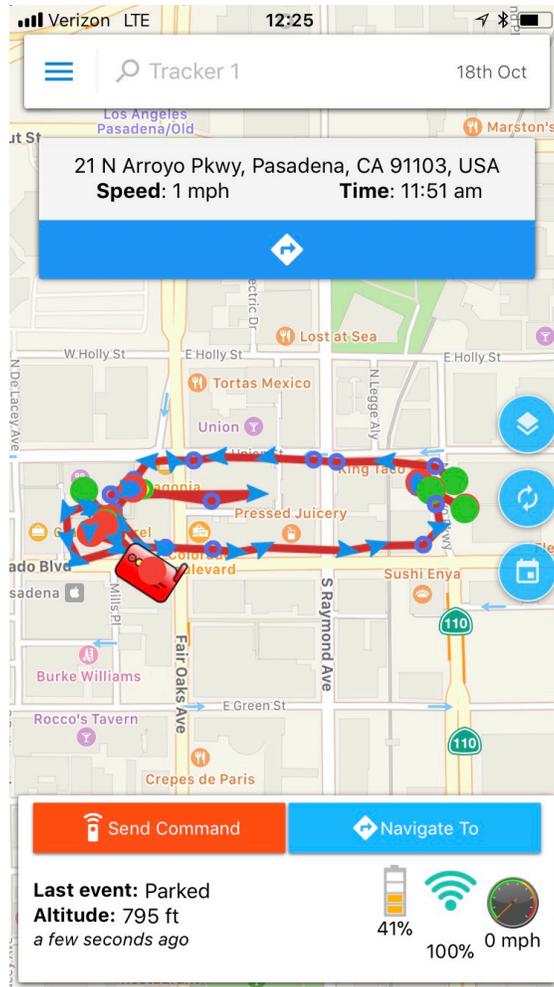


Figure 9. The Optimus Mini GPS Tracker transmits the stored data to the Optimus servers once it has regained a connection to those servers and restores data stored in the SIM card.

JURY DEMAND

21. Under Rule 38(b) of the Federal Rules of Civil Procedure, Inventergy respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Inventergy asks this Court to enter judgment against Optimus, granting the following relief:

- A. A declaration that Optimus has infringed the Patent-in-Suit;

- B. An award of damages to compensate Inventergy for Optimus' direct infringement of the Patent-in-Suit;
- C. An order that Optimus and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy Optimus' willful infringement of the Patent-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Inventergy of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An accounting of all damages not presented at trial;
- G. An award of prejudgment and post-judgment interest; and
- H. Such other relief as this Court or jury may deem proper and just.

Date: November 29, 2018

Respectfully submitted,

/s/ Isaac Rabicoff

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