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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

INVENTERGY LBS, LLC, Plaintiff, vs. USGLOBALSAT, INC., Defendant.	**CASE:** **COMPLAINT FOR PATENT INFRINGEMENT** **JURY TRIAL DEMANDED**

Plaintiff Inventergy LBS, LLC ("Inventergy"), sues Defendant, USGlobalSat, Inc., ("USGlobalSat"), 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 USGlobalSat, Inc. is a corporation organized and existing under the laws of California that maintains its principal place of business at 14740 Yorba Court, Chino, CA 91710.

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 USGlobalSat because it has engaged in systematic and continuous business activities in the Central District of California. Specifically, USGlobalSat provides a full range of products to residents in this District. As described below, USGlobalSat 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 USGlobalSat has committed acts of patent infringement in this District and is incorporated in the state of California. In addition, Inventergy has suffered harm in this district.

THE PATENTS-IN-SUIT

7. Inventergy is the assignee of all right, title and interest in United States Patent Nos. 9,781,558 (the "'558 Patent") and 9,219,978 (the "'978 Patent") (collectively, "Patents-in-Suit"), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patents-in-Suit. Accordingly, Inventergy possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by USGlobalSat.

The '558 Patent

8. On October 3, 2017, the United States Patent and Trademark Office issued the '558 Patent. The '558 Patent is titled "System and Method for Communication with a Tracking Device." The application leading to the '282 Patent was filed on December 7, 2015; which was a divisional application of U.S.

Patent Application No. 14/313,339, that was filed on June 24, 2014; 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 '558 Patent is attached hereto as **Exhibit A** and incorporated herein by reference.

9. The '558 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, 1:48–54.

11. The invention in the '558 Patent provides a tracking device with a location detector, communication device, memory processor and configuration routine. *Id.* at 2:4-6.

The '978 Patent

12. 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 B** and incorporated herein by reference.

13. The '978 Patent is valid and enforceable.

14. 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. B, 1:45–51.

15. 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.

KNOWLEDGE OF INFRINGEMENT

The Pre-Suit letter imparted actual knowledge of infringement to USGlobalSat.

16. Inventergy informed USGlobalSat, by mail on May 25, 2018, that USGlobalSat's AVL Tracker was covered by at least claim 1 of the '978 patent. Letter to USGlobalSat, attached hereto as **Exhibit C** (enclosing the '978 Patent and '558 Patent as exhibits in this Letter).

17. Inventergy described exactly how USGlobalSat's AVL tracker infringed through a preliminary claim chart and infringement analysis. *Id.*

18. On June 5, 2018, USGlobalSat sent a letter in response to the May 25, 2018 letter and confirmed receipt of the May 25, 2018 letter. Letter to Inventergy, attached hereto as **Exhibit D**.

19. As of the filing date of this action, USGlobalSat has continued to sell AVL trackers that are covered by the '978 and '558 Patents.

COUNT I: INFRINGEMENT OF THE '558 PATENT

20. Inventergy incorporates the above paragraphs herein by reference.

21. **Direct Infringement.** USGlobalSat has been and continues to directly infringe at least claim 1 of the '558 Patent in this District and elsewhere in the United States by providing a system, for example, the G-sat GPS Tracker ("G-sat"), that satisfies the preamble of claim 1: "A tracking device." For example, USGlobalSat's G-sat is a tracking device. *See* Figure 1.

Figure 1. USGlobalSat's G-sat is a tracking device.

22. The USGlobalSat G-sat satisfies claim element 1(a): "a location detector operative to determine locations of said tracking device." For example, the USGlobalSat G-sat has a GPS and GSM/GPRS to determines the location of the tracking device. *See* Figure 2.

1.2 Features

- SiRF Star III **LP** GPS chipset
- Combination of GPS ,GSM/GPRS wireless network
- Durable and water resistant GPS tracker
- Easy to install or hide in the car to perform tracking. No external wires needed.
- Ideal application for vehicle tracking and equipment/assets monitoring
- Optional external antenna for GPS reception
- Rechargeable 2100mA high capacity Li-ion battery for long operation time
- External DC power supply
- Configuration can be done via SMS commands or by application software via USB interface.SOS (emergency) button.
- Voice monitor function to monitor the sound/conversation live.
- Geofence function

Figure 2. The USGlobalSat G-sat has a GPS and GSM/GPRS to determines the location of the tracking device.

23. The USGlobalSat G-sat satisfies claim element 1(b): "a communication device operative to communicate with a remote system." For example, the USGlobalSat G-sat operates and communicates with a SIM card in a cell phone. *See* Figure 3.

Figure 3. The USGlobalSat G-sat operates and communicates with a SIM card in a cell phone.

24. The USGlobalSat G-sat 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 USGlobalSat G-sat has a specific memory chip that includes location and configuration data. *See* Figure 4.

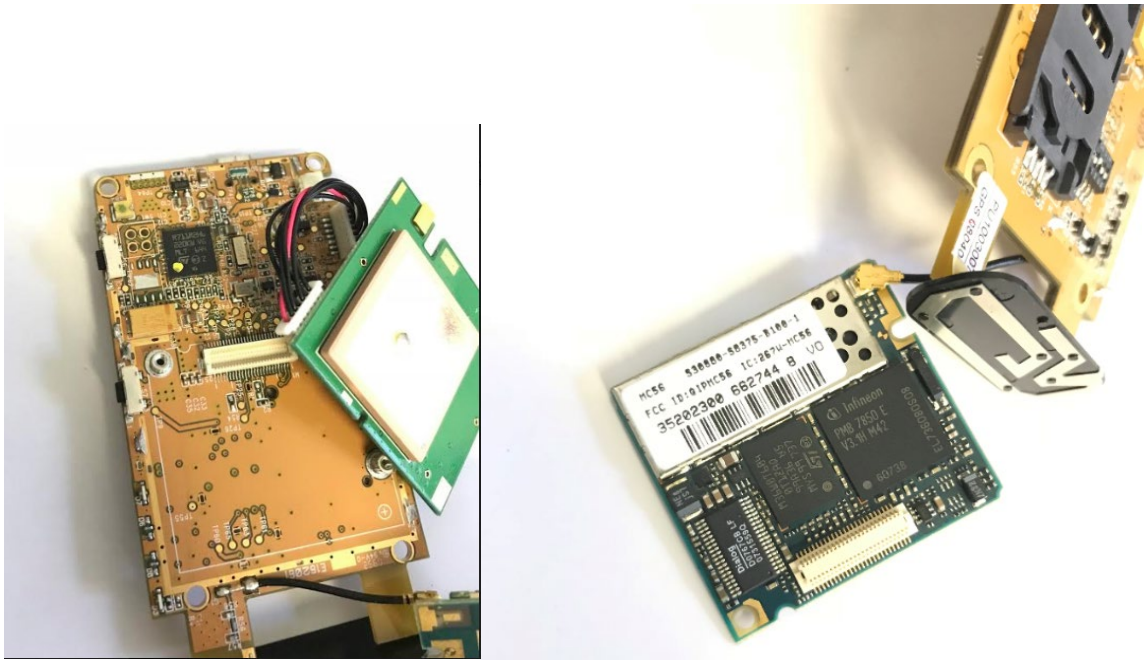

Figure 4. The USGlobalSat G-sat has a specific memory chip that includes location and configuration data.

25. The USGlobalSat G-sat 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 USGlobalSat G-sat has a processor to execute the code, which allows for the tracker to function. *See* Figure 4.

26. The USGlobalSat G-sat 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 USGlobalSat G-sat changes the report format of communications, based on the messages sent. *See* Figure 5.

Default Report Mode Setting

Item	Description
Default Report Mode	User can configure TR-151 to perform the "Default Report Mode". There are 3 report modes: immediate report, period report, stop report (standby). When you select some report mode, the unavailable item will be disabled. After power on the device, TR-151 will perform the "Default Report Mode" automatically. For example, if the default report mode is set to "Period Report" mode, every time when user power on the TR-151, it will send out period reports by default.
Report Interval	Time interval of sending data report for period report mode. The unit is second.
Report Format	Set TR-151 to return message by **Format0** or **Format1**. (Please see description later in this user manual.)
Number of Reports	Set how many reports will be sent for period report mode?
Return Phone Number for Default Report Mode	After turn on the TR-151, it will perform default report mode and send the data report to this number.

Figure 5. The USGlobalSat G-sat changes the report format of communications, based on the messages sent.

27. The USGlobalSat G-sat satisfies claim element 1(f): "a reporting routine operative to communicate operational data between said tracking device and said remote system." For example, the USGlobalSat G-sat reports whether the tracker is moving. *See* Figure 6.

Event Detail

Refresh

TR-151 Test Device [tr977131]
'2018/04/09' through '2018/04/09' [US/Pacific]

Map

#	Date	Time	Status	Lat	Lon	Sat Count	Speed mph	Altitude feet	Address
1	2018/04/09	17:00:00	In Motion	1.0000	3.1667	n/a	10 NE	180	
2	2018/04/09	17:00:00	Low Battery	0.0000	0.0000	n/a	0	0	

Figure 6. the USGlobalSat G-sat reports whether the tracker is moving.

28. The USGlobalSat G-sat satisfies claim element 1(g): "said configuration data modifiable responsive to said communication from said remote system at least partially determines a power state of said location detector, said power state affecting the power outage of said location detector." For example, the

USGlobalSat G-sat responds to communications to determine the power and battery levels of the *See* Figure 6.

29. **Induced Infringement.** USGlobalSat has also actively induced, and continues to induce, the infringement of at least claim 1 of the ’558 Patent by actively inducing its customers, including merchants and end-users to use USGlobalSat’s system in an infringing manner as described above. Upon information and belief, USGlobalSat has specifically intended that its customers use its system in a manner that infringes at least claim 1 of the ’558 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the ’558 Patent, as described above. Even where elements required to infringe at least claim 1 of the ’558 Patent are accomplished by USGlobalSat and USGlobalSat’s customer jointly, USGlobalSat’s actions have solely caused all of the elements to be performed.

30. Inventergy is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

31. Inventergy will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

COUNT II: INFRINGEMENT OF THE ’978 PATENT

32. Inventergy incorporates the above paragraphs herein by reference.

33. **Direct Infringement.** USGlobalSat 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 USGlobalSat AVL Tracker, that satisfies the preamble of claim 1: “A tracking device.” For example, USGlobalSat’s AVL Tracker is a tracking device. *See* Figure 7.

Figure 7. USGlobalSat's AVL Tracker is a tracking device.

34. The USGlobalSat AVL Tracker satisfies claim element 1(a): "a location detector operative to determine locations of said tracking device." For example, the USGlobalSat AVL Tracker tracks location using a real time GPS monitor, and works digitally. *See* Figures 8, 9.

TR-606

3G WCDMA AVL Tracker

Description

TR-606 is a multi-functional and cost-efficient communication platform ideal for all AVL applications. It integrates high sensitivity GPS chipset and dual-band UMTS/HSDPA and quad-band GSM communication module with powerful microcontroller into a compact/ light weight size.

TR-606 is secured in a solid enclosure for simple installation without sweat and hassle. Nevertheless, not only it provides user with real time GPS location and accurate vehicle status all the time on server, but also it allows user to command vehicle remotely by one-click on computer. In a word, TR-606 accomplishes advanced implementation of convenient fleet management, enhanced vehicle safety, simultaneous emergency response, and merchandise/ package transportation, etc...Unlimited advantages are come out with TR-606 extensive applications.

Figure 8. The USGlobalSat AVL Tracker tracks location using a real time GPS monitor.

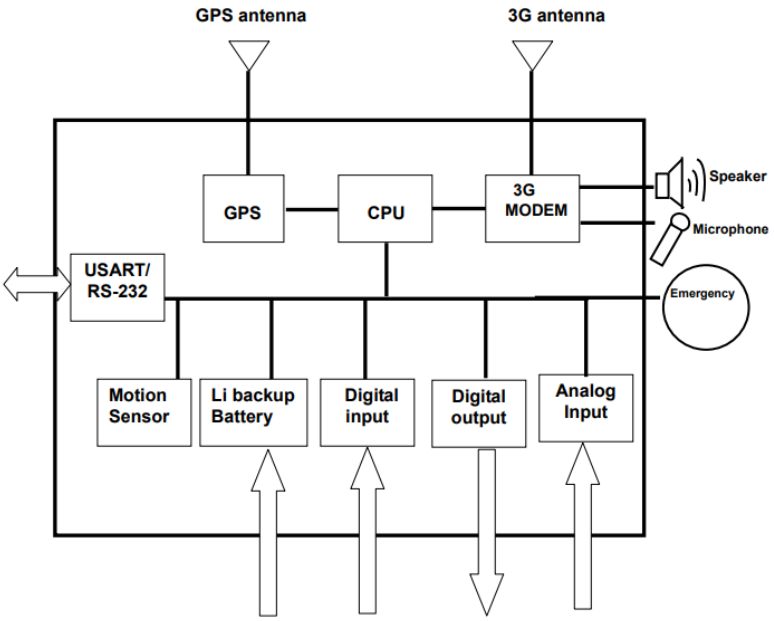

Figure 9. The USGlobalSat AVL Tracker tracks location with a GPS through analog and digital inputs, and outputs digital information.

35. The USGlobalSat AVL Tracker satisfies claim element 1(b): "a communication device operative to communicate with a remote system." For example, the USGlobalSat AVL Tracker uses a 3G modem and server to communicate with cell phones, for example. *See* Figures 8, 9.

36. The USGlobalSat AVL 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 USGlobalSat AVL Tracker has 32 Mb of memory that can be customized based on location. *See* Figures 10, 11.

1.4 Hardware specification

Item	Description	
Dimension	98 mm X 71 mm X 22 mm	
CPU	High performance line ARM-base 32-bit MCU	
GPS receiver	High Performance GPS chipset	
Temperature	Operation	-30℃ ~ + 80℃
	Storage	-40℃ ~ + 85℃
GPS Antenna	SMA Type connector. Active antenna (3.3~3.8V)	
3G Antenna	SMA Type connector.	
Communication	UMTS/HSDPA 850/1900 or 900/2100 MHz WCDMA Quad-Band GSM/GPRS/EDGE 850/900/1800/1900 MHz	
Protocol	Voice/SMS/GPRS (TCP/UDP)	
Built-in Memory	32 Mb	
GPS logging capacity	3000 points (Cell ID 1,400 points)	
Emergency Input	Negative trigger	1
Ignition (ACC) Input	Positive trigger	1
Digital Input Port	Negative trigger	2
	Positive trigger	1
Digital Output Port	Negative trigger	3 (300 mA)
Analog Input Port	Analog Input	1(0~28V)
Serial Port	115200 bps	
Backup battery	Internal 820 mAh Lion battery Support external Lead-acid battery (12V/24V)	
Sensor	Motion sensor	

Figure 10. The USGlobalSat AVL Tracker has 32 Mb of built-in memory.

Features

- Dual-band UMTS/HSDPA WCDMA (3G) system
- Quad-band GSM/GPRS/EDGE 850/900/1800/1900 MHz system
- Built in high sensitivity GPS system
- Remote control via SMS/GPRS command
- Real-time GPS position feedback and vehicle status monitoring
- Built-in in digital outputs (3), digital inputs (3), an ACC input, 1 analog input, and 1 serial port
- Power supply for Li-ion battery and lead-acid battery
- Supports multi geo-fence function
- OTA (Over the air) firmware upgrade
- Data buffer storage 3,000 points
- Interval report depends on customization
  □
- Power low/lost detection alarm
- Motion sensor
  □
- 3 LED indicators for 3G, GPS, power status

Figure 11. The *USGlobalSat AVL Tracker has real-time GPS monitoring with data buffer storage and an internal report depending on customization.*

37. The USGlobalSat AVL 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 USGlobalSat AVL Tracker has a CPU acting as the processor. *See* Figures 9, 10.

38. The USGlobalSat AVL 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 USGlobalSat AVL Tracker modifies configurative data based on communications from the system. *See* Figure 11.

39. The USGlobalSat AVL 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 USGlobalSat AVL Tracker has a data storage buffer of 3,000 points. *See* Figure 11.

40. The USGlobalSat 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 USGlobalSat AVL Tracker has an internal reporting mechanism *See* Figure 11.

41. **Induced Infringement.** USGlobalSat has also actively induced, and continues to induce, the infringement of at least claim 1 of the '978 Patent by actively inducing its customers, including merchants and end-users to use USGlobalSat's system in an infringing manner as described above. Upon information and belief, USGlobalSat has specifically intended that its customers use its system in a manner that infringes at least claim 1 of the '978 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '978 Patent, as

described above. Even where elements required to infringe at least claim 1 of the '978 Patent are accomplished by USGlobalSat and USGlobalSat's customer jointly, USGlobalSat's actions have solely caused all of the elements to be performed.

42. Inventergy is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

43. Inventergy will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

44. 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 USGlobalSat, granting the following relief:

A. A declaration that USGlobalSat has infringed the Patents-in-Suit;

B. An award of damages to compensate Inventergy for USGlobalSat's direct infringement of the Patents-in-Suit;

C. An order that USGlobalSat 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 Patents-in-Suit under 35 U.S.C. § 283;

D. An award of damages, including trebling of all damages, sufficient to remedy USGlobalSat's willful infringement of the Patents-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 award of prejudgment and post-judgment interest; and

G. Such other relief as this Court or jury may deem proper and just.

DATED on December 4, 2018

Respectfully submitted,

WATSON LLP

/s/ Coleman Watson

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