

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

<p>Inventergy LBS, LLC, Plaintiff, v. Track What Matters, L.L.C., Defendant.</p>	<p>Case No. _____ Patent Case Jury Trial Demanded</p>
---	---

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Inventergy LBS, LLC (“Inventergy”), through its attorney, Kenneth Matuszewski, complains of Track What Matters, L.L.C., (“TWM”), 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 East Hamilton Avenue, Campbell, CA 95008.

2. Defendant Track What Matters, L.L.C. is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 1277 Porter Drive, Flower Mound, TX 75022.

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 TWM because it has engaged in systematic and continuous business activities in the Eastern District of Texas. Specifically, TWM provides a full range of products to residents in this District. TWM is also incorporated in the state of Texas. As described below, TWM 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 TWM 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 PATENTS-IN-SUIT

7. Inventergy is the assignee of all right, title and interest in United States Patent No. 9,219,978 (the “’978 Patent”), United States Patent No. 9,781,558 (the “’558” Patent), and United States Patent No. 8,760,286 (the “’8,760,286”) (collectively, the “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 Patent-in-Suit. Accordingly, Inventergy possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by TWM.

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.

The '558 Patent

12. 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 '558 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 division of U.S. 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 B and incorporated herein by reference.

13. The '558 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, 1:48–54.

15. 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 '286 Patent

16. On June 24, 2014, the United States Patent and Trademark Office issued the '286 Patent. The '286 Patent is titled "System and Method for Communication with a Tracking Device." The application leading to the '286 Patent 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 '286 Patent is attached hereto as Exhibit C and incorporated herein by reference.

17. The '286 Patent is valid and enforceable.

18. 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. C, 1:42–48.

19. The invention in the '286 Patent provides a tracking device with a location detector, communication device, memory processor and configuration routine. *Id.* at 1:65–67.

COUNT I: INFRINGEMENT OF THE '978 PATENT

20. Inventergy incorporates the above paragraphs herein by reference.

21. **Direct Infringement.** TWM 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, TWM's Rhino Fleet Tracking Equipment, that satisfies the preamble of Claim 1: "[a] tracking device." For example, TWM's Rhino Fleet Tracking Equipment is a tracking device. See <https://www.rhinofleettracking.com/gps-fleet-tracking/trailer-and-equipment-tracking/>; webpage attached hereto as Exhibit D; Figure 1.

Key features of Rhino Fleet Tracking's trailer and equipment tracking service

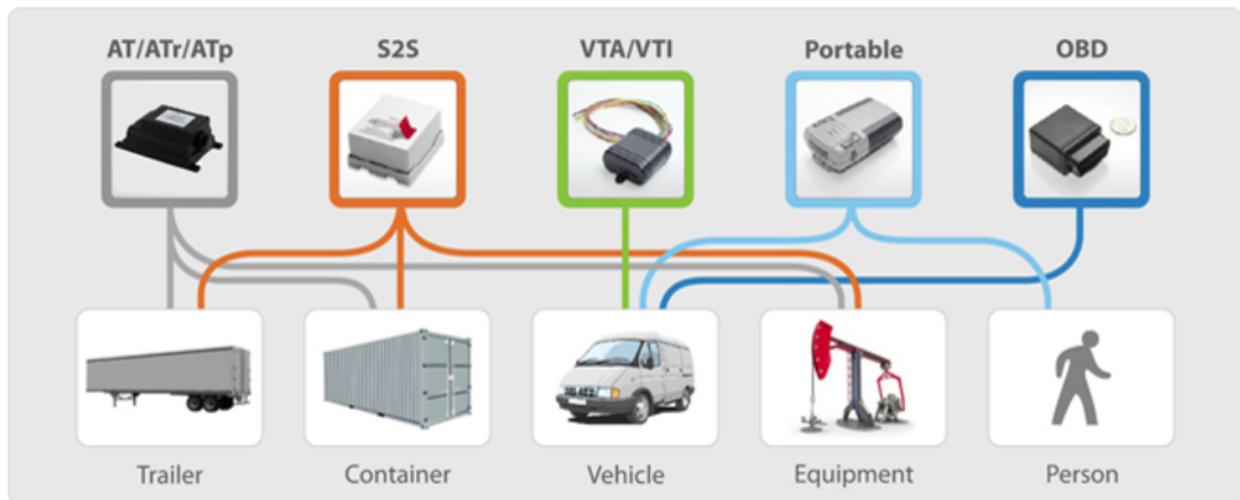


Figure 1. TWM's Rhino Fleet Tracking Equipment is a tracking device.

22. TWM's Rhino Fleet Tracking Equipment satisfies claim element 1(a): "a location detector operative to determine locations of said tracking device." For example, TWM's Rhino Fleet Tracking Equipment tracks location using a built-in receiver supporting GPS and works digitally. See <https://www.rhinofleettracking.com/gps-fleet-tracking/how-gps-tracking-works/>; webpage attached hereto as Exhibit E; Figure 2.

Communication



Vehicle Tracking is a product of taking the triangulation or location data acquired and sending that information back to an end user. The communication of data might be facilitated by cellular or satellite communication. Other options include wifi, RFID, or other forms of radio transmissions. In most cases, vehicle tracking data is stored on a server for users or 3rd party systems to fetch at the appropriate time.

Mapping

GPS tracking is most commonly rendered on a map or sent to 3rd party systems. Mapping is usually provided by 3rd party providers such as Bing or Google. **Fleet Tracking Companies** consume that data for the purpose of allowing fleet managers to see the history of vehicle travel on maps whereby they can then make business decisions.

Triangulation

You might be wondering how GPS tracking works. This relatively advanced technology uses the satellite-based **Global Positioning System (GPS)** to provide location information for any object on earth, provided the object is equipped with a receiver.

Figure 2. TWM's Rhino Fleet Tracking Equipment location using a built-in receiver supporting GPS and works digitally.

23. TWM's Rhino Fleet Tracking Equipment satisfies claim element 1(b): "a communication device operative to communicate with a remote system." For example, TWM's Rhino Fleet Tracking Equipment has a communication device, such as a built-in transceiver that is capable of cellular or satellite communication. *See Ex. E; Fig. 2.*

24. TWM's Rhino Fleet Tracking Equipment 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, TWM’s Rhino Fleet Tracking Equipment has on-board memory capable of storing location data. *See* Ex. E; Figure 3.

GPS tracking devices collect data internally, then transmit this collected information to a base server via cellular or satellite networks.

Figure 3. TWM’s Rhino Fleet Tracking Equipment has on-board memory capable of storing location data.

25. TWM’s Rhino Fleet Tracking Equipment 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, TWM’s Rhino Fleet Tracking Equipment includes a processor that executes code to determine the location of the Rhino Fleet Tracking Equipment and sends reports of its location over a set period of time. *See* Exs. D-E; Figs. 1–3.

26. TWM’s Rhino Fleet Tracking Equipment satisfies claim element 1(e): “a configuration routine operative to modify said configuration data responsive to a communication from said remote system.” For example, TWM’s Rhino Fleet Tracking Equipment can be configured to various reporting plans which determine how frequently location is reported. *See* <https://www.rhinofleettracking.com/>; webpage attached hereto as Exhibit F; Figure 4.

Configurable Reporting Plans	Yes
------------------------------	-----

Figure 4. TWM’s Rhino Fleet Tracking Equipment can be configured to various reporting plans which determine how frequently location is reported.

27. TWM’s Rhino Fleet Tracking Equipment 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, TWM’s Rhino Fleet Tracking Equipment receives location data at fixed intervals and stores the

location data in its memory if the device cannot communicate with TWM's server. *See* Ex. E; Figs. 2, 3.

28. TWM's Rhino Fleet Tracking Equipment 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, TWM's Rhino Fleet Tracking Equipment has a reporting mechanism that is activated when requested if the communication server cannot communicate with the Rhino Fleet Tracking Equipment and leaving data stored in the tracking device's memory. *See* Ex. E; Figs. 2, 3.

29. 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.

30. 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 '558 PATENT

31. Inventergy incorporates the above paragraphs herein by reference.

32. **Direct Infringement.** TWM has been and continues to directly infringe at least Claim 31 of the '558 Patent in this District and elsewhere in the United States by providing a system, for example, TWM's Rhino Fleet Tracker Equipment, that satisfies the preamble of Claim 31: "A tracking device." For example, TWM's Rhino Fleet Tracker Equipment is a tracking device. *See* Ex. D; Figure 5.

Key features of Rhino Fleet Tracking's trailer and equipment tracking service

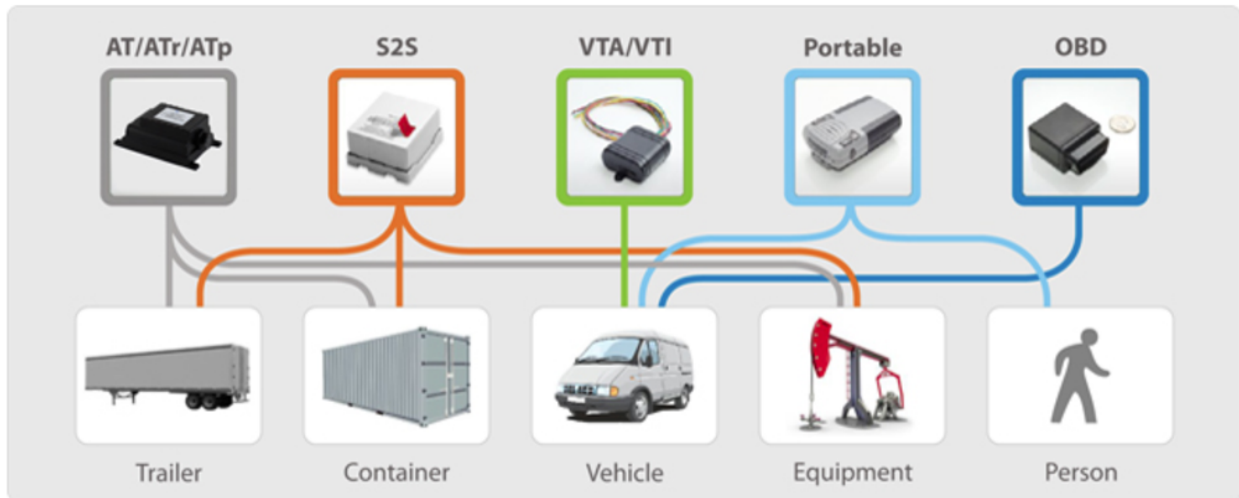


Figure 5. TWM's Rhino Fleet Tracking Equipment is a tracking device.

33. TWM's Rhino Fleet Tracking Equipment satisfies claim element 1(a): "a location detector operative to determine locations of said tracking device." For example, TWM's Rhino Fleet Tracking Equipment tracks location using a built-in receiver supporting GPS and works digitally. See Ex. E; Figure 6.

Communication



Vehicle Tracking is a product of taking the triangulation or location data acquired and sending that information back to an end user. The communication of data might be facilitated by cellular or satellite communication. Other options include wifi, RFID, or other forms of radio transmissions. In most cases, vehicle tracking data is stored on a server for users or 3rd party systems to fetch at the appropriate time.

Mapping

GPS tracking is most commonly rendered on a map or sent to 3rd party systems. Mapping is usually provided by 3rd party providers such as Bing or Google. **Fleet Tracking Companies** consume that data for the purpose of allowing fleet managers to see the history of vehicle travel on maps whereby they can then make business decisions.

Triangulation

You might be wondering how GPS tracking works. This relatively advanced technology uses the satellite-based **Global Positioning System (GPS)** to provide location information for any object on earth, provided the object is equipped with a receiver.

Figure 6. TWM's Rhino Fleet Tracking Equipment location using a built-in receiver supporting GPS and works digitally.

34. TWM's Rhino Fleet Tracking Equipment satisfies claim element 1(b): "a communication device operative to communicate with a remote system." For example, TWM's Rhino Fleet Tracking Equipment has a communication device, such as a built-in transceiver, that is capable of cellular or satellite communication. *See Ex. E; Fig. 6.*

35. TWM's Rhino Fleet Tracking Equipment 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, TWM’s Rhino Fleet Tracking Equipment has on-board memory capable of storing location data. *See* Ex. E; Figure 7.

GPS tracking devices collect data internally, then transmit this collected information to a base server via cellular or satellite networks.

Figure 7. TWM’s Rhino Fleet Tracking Equipment has on-board memory capable of storing location data.

36. TWM’s Rhino Fleet Tracking Equipment 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, TWM’s Rhino Fleet Tracking Equipment includes a processor that executes code to determine the location of the Rhino Fleet Tracking Equipment and sends reports of its location over a set period of time. *See* Exs. D-E; Figs. 5-7.

37. TWM’s Rhino Fleet Tracking Equipment satisfies claim element 1(e): “a configuration routine operative to modify said configuration data responsive to a communication from said remote system.” For example, TWM’s Rhino Fleet Tracking Equipment can be configured to various reporting plans which determine how frequently location is reported. *See* Ex. F; Figure 8.

Configurable Reporting Plans	Yes
------------------------------	-----

Figure 8. TWM’s Rhino Fleet Tracking Equipment can be configured to various reporting plans which determine how frequently location is reported.

38. TWM’s Rhino Fleet Tracking Equipment 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, TWM’s Rhino Fleet Tracking Equipment has a reporting mechanism that is activated

when requested if the communication server cannot communicate with the Rhino Fleet Tracking Equipment and leaving data stored in the tracking device's memory. *See* Ex. E; Figs. 6, 7.

39. TWM's Rhino Fleet Tracking Equipment satisfies claim element 31(g): "wherein said operational data is indicative of battery status." For example, TWM's Rhino Fleet Tracking Equipment is capable of reading the voltage of the battery of the device at fixed intervals and sending a report for the last voltage reading. *See* Ex. E; Figure 9.

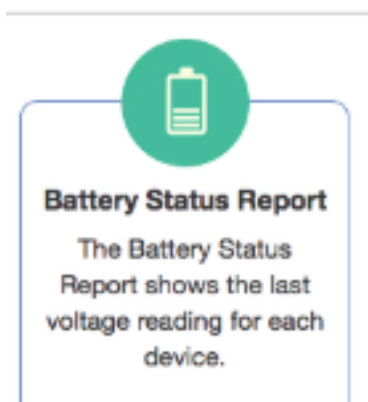


Figure 9. TWM's Rhino Fleet Tracking Equipment is capable of reading the voltage of the battery of the device at fixed intervals and sending a report for the last voltage reading.

40. 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.

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

COUNT III: INFRINGEMENT OF THE '286 PATENT

42. Inventergy incorporates the above paragraphs herein by reference.

43. **Direct Infringement.** TWM has been and continues to directly infringe at least Claim 1 of the '286 Patent in this District and elsewhere in the United States by providing a system, for example, TWM's Rhino Fleet Tracking Equipment, that satisfies the preamble of

Claim 1: “A tracking device.” For example, TWM’s Rhino Fleet Tracking Equipment is a tracking device. *See* Ex. D; Figure 10.

Key features of Rhino Fleet Tracking’s trailer and equipment tracking service

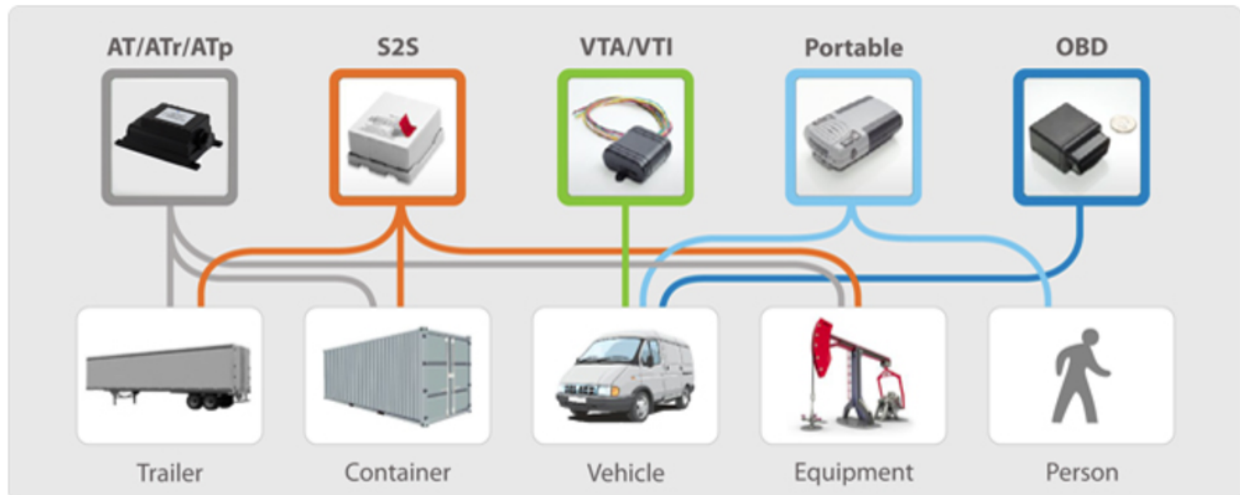


Figure 10. TWM’s Rhino Fleet Tracking Equipment is a tracking device.

44. TWM’s Rhino Fleet Tracking Equipment satisfies claim element 1(a): “a location detector operative to determine locations of said tracking device.” For example, TWM’s Rhino Fleet Tracking Equipment tracks location using a built-in receiver supporting GPS and works digitally. *See* Ex. E; Figure 11.

Communication



Vehicle Tracking is a product of taking the triangulation or location data acquired and sending that information back to an end user. The communication of data might be facilitated by cellular or satellite communication. Other options include wifi, RFID, or other forms of radio transmissions. In most cases, vehicle tracking data is stored on a server for users or 3rd party systems to fetch at the appropriate time.

Mapping

GPS tracking is most commonly rendered on a map or sent to 3rd party systems. Mapping is usually provided by 3rd party providers such as Bing or Google. **Fleet Tracking Companies** consume that data for the purpose of allowing fleet managers to see the history of vehicle travel on maps whereby they can then make business decisions.

Triangulation

You might be wondering how GPS tracking works. This relatively advanced technology uses the satellite-based **Global Positioning System (GPS)** to provide location information for any object on earth, provided the object is equipped with a receiver.

Figure 11. TWM's Rhino Fleet Tracking Equipment location using a built-in receiver supporting GPS and works digitally.

45. TWM's Rhino Fleet Tracking Equipment satisfies claim element 1(b): "a communication device operative to communicate with a plurality of remote systems including a tracking service system associated with a tracking service provider and a device of a user associated with said tracking device." For example, TWM's Rhino Fleet Tracking Equipment has a communication device, such as a built-in transceiver that is capable of cellular or satellite communication. *See* Ex. E; Fig. 11.

46. TWM’s Rhino Fleet Tracking Equipment 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, TWM’s Rhino Fleet Tracking Equipment has on-board memory capable of storing location data. *See* Ex. E; Figure 12.

GPS tracking devices collect data internally, then transmit this collected information to a base server via cellular or satellite networks.

Figure 12. TWM’s Rhino Fleet Tracking Equipment has on-board memory capable of storing location data.

47. TWM’s Rhino Fleet Tracking Equipment 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, TWM’s Rhino Fleet Tracking Equipment includes a processor that executes code to determine the location of the Rhino Fleet Tracking Equipment and sends reports of its location over a set period of time. *See* Exs. D-E; Figs. 10-12.

48. TWM’s Rhino Fleet Tracking Equipment satisfies claim element 1(e): “a configuration routine operative to modify said configuration data responsive to a communication from said remote system.” For example, TWM’s Rhino Fleet Tracking Equipment can be configured to various reporting plans which determine how frequently location is reported. *See* Ex. F; Figure 13.

Configurable Reporting Plans	Yes
------------------------------	-----

Figure 13. TWM’s Rhino Fleet Tracking Equipment can be configured to various reporting plans which determine how frequently location is reported.

49. TWM’s Rhino Fleet Tracking Equipment satisfies claim element 1(f): “wherein said configuration data modifiable responsive to said communication from any of said remote

systems at least partially determines an interval for buffering said location data when said communication device is unable to communicate said location data to at least one of said remote systems.” For example, TWM’s Rhino Fleet Tracking Equipment’s capacity to configure various reporting plans partially determines when the location data is stored in the device’s memory if it cannot communicate with TWM’s server. *See* Exs. E-F; Figs. 11-13.

50. TWM’s Rhino Fleet Tracking Equipment satisfies claim element 1(g): “wherein said interval for buffering at least partially controls how frequently newly acquired location data will be stored in said memory.” For example, TWM’s Rhino Fleet Tracking Equipment’s capacity to configure various reporting plans partially determines when the frequency the location data is stored in the device’s memory if it cannot communicate with TWM’s server. *See* Exs. D-F; Figs. 11-13, 14.

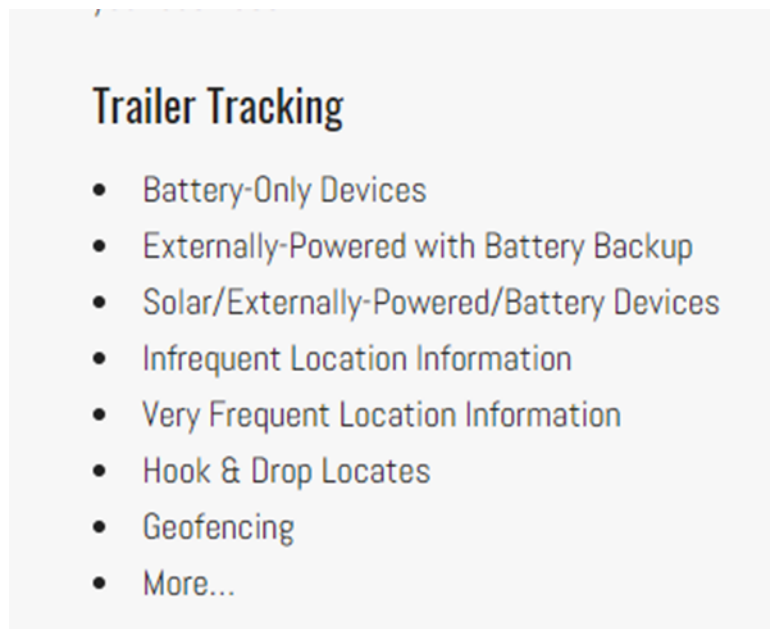


Figure 14. TWM’s Rhino Fleet Tracking Equipment’s capacity to configure various reporting plans partially determines when the frequency the location data is stored in the device’s memory if it cannot communicate with TWM’s server.

51. 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.

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

JURY DEMAND

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 TWM, granting the following relief:

- A. A declaration that TWM has infringed the Patent-in-Suit;
- B. An award of damages to compensate Inventergy for TWM's direct infringement of the Patents-in-Suit;
- C. An order that TWM 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 TWM'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 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: December 18, 2018

Respectfully submitted,

/s/ Isaac Rabicoff

Isaac Rabicoff
Kenneth Matuszewski
RABICOFF LAW LLC
73 W Monroe St.
Chicago, IL 60603
(773) 669-4590
isaac@rabilaw.com
kenneth@rabilaw.com
Counsel for Plaintiff