

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<p><b>Inventergy LBS, LLC,</b>  Plaintiff,  v.  <b>Xirgo Technologies, LLC,</b>  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 Xirgo Technologies, LLC, (“Xirgo”), 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 Xirgo Technologies, LLC is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 188 Camino Ruiz, Camarillo, CA 93012.

**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 Xirgo because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, Xirgo provides a full range of products to residents in this District. Xirgo is also incorporated in the state of Delaware. As described below, Xirgo 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 Xirgo has committed acts of patent infringement in this District and is incorporated in the state of Delaware. 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. 9,781,558 (the “’558 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 Xirgo.

#### **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 ’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 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.

### COUNT I: INFRINGEMENT OF THE '558 PATENT

12. Inventergy incorporates the above paragraphs herein by reference.

13. **Direct Infringement.** Xirgo 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, Xirgo's XT4700 Series, that satisfies the preamble of Claim 31: "[a] tracking device." For example, Xirgo's XT4700 Series is a tracking device. *See* <http://www.xirgotech.com/xt4700-series/>; webpage attached hereto as Exhibit B; Figure 1.

## XT4700 Series



### XT4700 Series for Low Powered & Remote Assets in Extreme Environments

The XT4700 Series is a self-contained UMTS/HSPA modem with integrated GPS engine, cellular and PCS antennas, accelerometer, motion detector, and 5300 mAh internal rechargeable battery. With a powerful 32-bit microprocessor and unique power management algorithm, this product consumes less than 120  $\mu$ A in sleep mode and is capable of periodic reporting of an asset's status and location. With multiple input and output ports along with a proven embedded application, XT4700 Series is an ideal solution for monitoring and control of high value remote assets where input power availability is of concern. The weatherproof case allows the XT4700 Series to be used in a myriad of applications such as container, trailer, and heavy duty equipment tracking.

- > XT4760: AT&T 3G
- > XT4760GS: European Penta Band 3G

Figure 1. Xirgo's XT4700 Series is a tracking device.

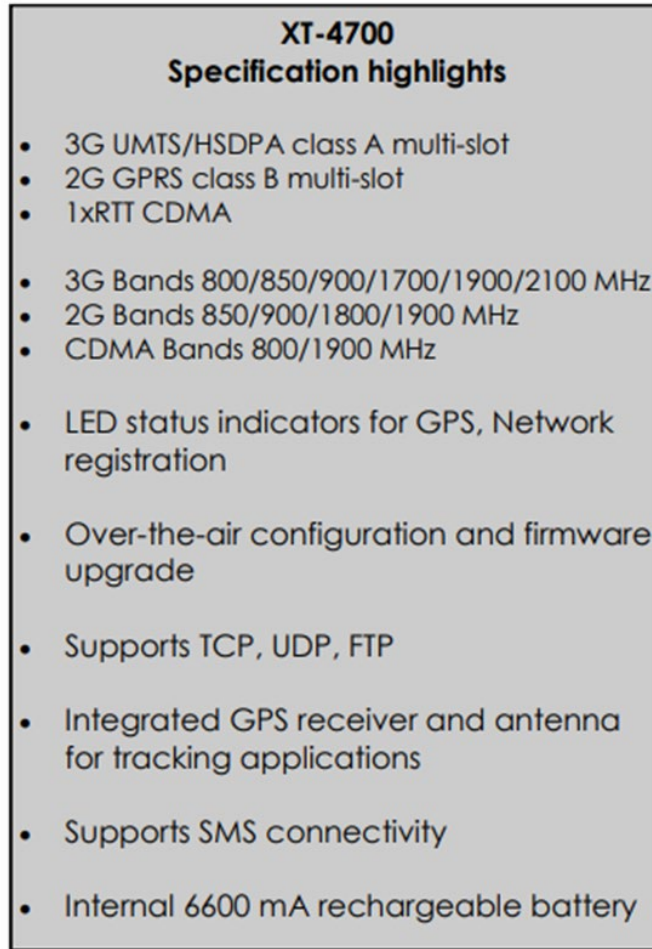
14. Xirgo's XT4700 Series satisfies claim element 31(a): "a location detector operative to determine locations of said tracking device." For example, Xirgo's XT4700 Series tracks location using a built-in receiver supporting GPS and works digitally. *See* Ex. B; Fig. 1.

15. Xirgo's XT4700 Series satisfies claim element 31(b): "a communication device operative to communicate with a remote system." For example, Xirgo's XT4700 Series has a communication device, such as a built-in transceiver, that is capable of cellular or satellite communication. *See* Ex. B; Fig. 1.

16. Xirgo's XT4700 Series satisfies claim element 31(c): "memory for storing data and code, said data including location data determined by said location detector and configuration data." For example, Xirgo's XT4700 Series has on-board memory capable of storing location data. *See* Ex. B; Fig. 1.

17. Xirgo's XT4700 Series satisfies claim element 31(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, Xirgo's XT4700 Series includes a processor that executes code to determine the location of the XT4700 Series and sends reports of its location over a set period of time. *See* Ex. B; Fig. 1.

18. Xirgo's XT4700 Series satisfies claim element 31(e): "a configuration routine operative to modify said configuration data responsive to a communication from said remote system." For example, Xirgo's XT4700 Series can be configured over-the-air to various reporting plans which determine how frequently location is reported. *See* <https://www.getwirelessllc.com/wp-content/uploads/2014/12/datasheet-xirgo-xt4700-series-20140214.pdf>; webpage attached hereto as Exhibit C; Figure 2.



*Figure 2. Xirgo's XT4700 Series can be configured to various reporting plans which determine how frequently location is reported.*

19. Xirgo's XT4700 Series satisfies claim element 31(f): "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, Xirgo's XT4700 Series has a reporting mechanism that is activated when requested if the communication server cannot communicate with the XT4700 Series and leaving data stored in the tracking device's memory. *See* Ex. C; Fig. 2.

20. Xirgo's XT4700 Series satisfies claim element 31(g): "wherein said operational data is indicative of battery status." For example, Xirgo's XT4700 Series 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. C; Figs. 2, 3.

XT-4700 series is a self contained UMTS/HSPA modem with integrated GPS engine and antenna, cellular and PCS antenna, optional motion detector, optional accelerometer and 6600 mAh internal rechargeable battery. With a powerful 32-bit microprocessor and unique power management algorithm, XT-4700 consumes less than 120  $\mu$ A in sleep mode and yet capable of periodic reporting of health, status and location of remote assets. With multiple input and output ports along with proven embedded application, XT-4700 is an ideal solution for monitoring and control of high value remote assets where input power availability is of concern.

*Figure 3. Xirgo's XT4700 Series is capable of reading the voltage of the battery of the device at fixed intervals and sending a report for the last voltage reading.*

21. 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.

22. 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 Xirgo, granting the following relief:

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

- B. An award of damages to compensate Inventergy for Xirgo's direct infringement of the Patent-in-Suit;
- C. An order that Xirgo 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 Xirgo's 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.

Dated: December 28, 2018

Respectfully submitted,

/s/ Timothy Devlin

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