

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

<p>Inventergy LBS, LLC, Plaintiff, v. Global Cloud Fleet Inc., 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 Global Cloud Fleet Inc., (“GCF”), 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 Global Cloud Fleet Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 8895 Towne Centre Drive, Suite 105-388, San Diego, CA 92122.

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 GCF because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, GCF provides a full range of products to residents in this District. GCF is also incorporated in the state of Delaware. As described below, GCF 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 GCF 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. 9,219,978 (the “’978 Patent”), 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 GCF.

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.** GCF 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, GCF's Plug and Play Fleet Tracker, that satisfies the preamble of Claim 1: "A tracking device." For example, GCF's Plug and Play Fleet Tracker is a tracking device. *See* <https://www.ezfleettracking.com/gps-tracking-hardware>; webpage attached hereto as Exhibit B; Figure 1.



PLUG AND PLAY FLEET TRACKER (EZ-160-PNP)

"Plug and Play" Fleet Tracker with Instant Installation

- Installs in OBDII Port
- Reports once per minute (plus turns).
- Internal cellular and GPS satellite antennas.
- Internal back-up battery.
- Capable of storing and forwarding all satellite tracking data
- Includes "smart power management" which allows the device to go into sleep mode.
- Uses 3G CDMA cellular network
- Lifetime Warranty*

Figure 1. GCF's Plug and Play Fleet Tracker is a tracking device.

14. GCF's Plug and Play Fleet Tracker satisfies claim element 1(a): "a location detector operative to determine locations of said tracking device." For example, GCF's Plug and Play Fleet Tracker tracks location using a built-in receiver supporting GPS and works digitally.

See

<https://www.ezfleettracking.com/hubfs/EZ%20Fleet%20GPS%20Buyers%20Guide%20Final.pdf?submissionGuid=098233b5-866c-414a-a3c7-6f0cd2ad845a>; webpage attached hereto as

Exhibit C; Figure 2; *see also* Ex. B; Fig. 1.

GPS Tracking: The Basics

Global positioning systems (GPS), developed by the US Department of Defense, use satellites orbiting the earth to communicate with GPS tracking devices installed in vehicles, allowing them to gather location (latitude and longitude), speed, landmarks and other data points.

The data points then transmit using the cellular data network to the User Interface giving you real-time, easy to read information.

Figure 2. GCF's Plug and Play Fleet Tracker location using a built-in receiver supporting GPS and works digitally.

15. GCF's Plug and Play Fleet Tracker satisfies claim element 1(b): "a communication device operative to communicate with a remote system." For example, GCF's Plug and Play Fleet Tracker has a communication device, such as a built-in transceiver, that is capable of cellular or satellite communication. *See* Exs. B-C; Figs. 1, 3.

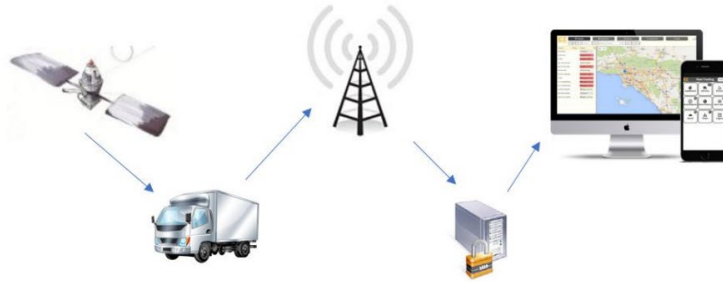


Figure 3. GCF's Plug and Play Fleet Tracker has a communication device that is capable of cellular or satellite communication.

16. GCF's Plug and Play Fleet 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, GCF's Plug and Play Fleet Tracker has on-board memory capable of storing location data. *See* Ex. B; Fig. 1.

17. GCF's Plug and Play Fleet 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, GCF's Plug and Play Fleet Tracker includes a processor that executes code to determine the location of the Plug and Play Fleet Tracker and sends reports of its location over a set period of time. *See* Exs. B-C; Figs. 1–3.

18. GCF's Plug and Play Fleet 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, GCF's Plug and Play Fleet Tracker can be configured to various reporting plans which determine how frequently location is reported. *See* Ex. C; Figure 4.

Reporting and Alerts

You want robust reports that give you the data you need such as trip reports, driving behavior reports, real time location data, after hours reports, speed alerts, maintenance, stopping and mileage and other key reports, to help drive smart business decisions. You should be able to customize the alerts and reports, their recipients, and their delivery frequency.



Figure 4. GCF's Plug and Play Fleet Tracker can be configured to various reporting plans which determine how frequently location is reported.

19. GCF's Plug and Play Fleet 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, GCF's Plug and Play Fleet Tracker receives location data at fixed intervals and stores the location data in its memory if the device cannot communicate with GCF's server. *See* Exs. B-C; Figs. 1, 5.

Real-time Data

Check the frequency of the GPS data updates. Top providers can track as often as turn-by-turn and as little as once a day. Make sure the devices have store and forward capabilities in case they go out of cellular coverage, so you never lose any valuable data.

Figure 5. GCF's Plug and Play Fleet Tracker receives location data at fixed intervals and stores the location data in its memory if the device cannot communicate with GCF's server.

20. GCF's Plug and Play Fleet Tracker 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, GCF's Plug and Play Fleet Tracker has a reporting mechanism that is activated when requested if the communication server cannot communicate with the Plug and Play Fleet Tracker and leaving data stored in the tracking device's memory. *See* Exs. B-C; Figs. 1, 5.

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 GCF, granting the following relief:

- A. A declaration that GCF has infringed the Patent-in-Suit;
- B. An award of damages to compensate Inventergy for GCF's direct infringement of the Patent-in-Suit;
- C. An order that GCF 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 GCF'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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