IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Encoditech LLC,	Case No. 1:19-cv-10214
Plaintiff,	Patent Case
v.	Jury Trial Demanded
Onset Computer Corporation,	
Defendant.	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, ("Encoditech"), through its undersign attorney, complains of Onset Computer Corporation ("Onset") and alleges the following:

PARTIES

1.   Plaintiff Encoditech LLC is a corporation organized and existing under the laws of Texas that maintains its principal place of business at 3415 Custer Road, Suite 120-A, Plano, Texas, 75023.

2.   Defendant Onset Computer Corporation is a corporation organized and existing under the laws of the Commonwealth of Massachusetts that maintains its principal place of business at 470 MacArthur Blvd., Bourne, Massachusetts 02532.

JURISDICTION

3.   This is an action for patent infringement arises 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 Onset because it has engaged in systematic and continuous business activities in the District of the Commonwealth of Massachusetts. Specifically, Onset is incorporated in the state of the Commonwealth of Massachusetts and provides its full range of services to residents in this District. As described below, Onset 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 Onset has committed acts of patent infringement in this District, has its principal place of business in this Judicial District and is incorporated in the state of the Commonwealth of Massachusetts. In addition, Encoditech has suffered harm in this District.

PATENT-IN-SUIT

7.   Encoditech is the assignee of all right, title and interest in United States Patent No. 6,321,095 (the "'095 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, Encoditech possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Onset.

The '095 Patent

8.   On November 20, 2001, the United States Patent and Trademark Office issued the '095 Patent. The '095 Patent is titled "Wireless Communications Approach." The application leading to the '095 Patent was filed on March 26, 1999. A true and correct copy of the '095 Patent is attached hereto as Exhibit A.

9.   A certificate of correction for the '095 Patent was filed on May 23, 2017. A

true and correct copy of the certificate of correction is attached hereto as Exhibit B.

10.   The '095 Patent is valid and enforceable.

11.   The invention claimed in the '095 Patent relates to a mobile station that provides direct, wireless communications with another mobile station on a portion of a radio frequency (RF) band. Ex. A at 2:54-57.

12.   The inventors wanted to improve wireless communications, without requiring the physical infrastructure of digital cellular telephone systems. *Id.* at 3:58-61.

13.   The '095 Patent claims are not directed to a method of organizing human activity or to a fundamental economic practice long prevalent in commerce. The '095 Patent describes a system that addresses a technical problem--providing wireless communications methods that allow for more than one user to communicate with another and have private conversations, *id.* at 1:32-46--with a technical solution, providing direct, wireless communications using a frequency division multiple access/time division multiple access communication protocol. *Id.* at 2:30-34.

14.   The '095 Patent does not preempt the field or preclude the use of other methods of providing wireless communications. The claims are directed to mobile stations "configured to select a portion of a radio frequency (RF) band" and "transmit a first signal on a first sub-portion." *Id.* at claim 1. The '095 Patent identifies other methods of providing wireless communications which are generally described "in the context of a non-frequency hopping application." *Id.* at 12:10-12.

15.   The '095 Patent does not take a well-known or established business method or process and apply it to a general-purpose computer. Instead, the specific system and processes described in the '095 Patent have no direct corollary to a well-known business

process. The '095 Patent describes a system that addresses a technical problem that arises in the context of providing wireless communications. *See id.* at 1:32-46. The invention has improved wireless communications by providing direct, wireless communications using a frequency division multiple access/time division multiple access communication protocol. *Id.* at 2:30-34.

<div align="center">COUNT I: INFRINGEMENT OF THE '095 PATENT</div>

16.   Encoditech incorporates the above paragraphs herein by reference.

17.   **Direct Infringement.** Onset has been and continues to directly infringe at least claim 7 of the '095 Patent in this District and elsewhere in the United States, by providing an app that satisfies the preamble of claim 7" "[a] wireless communications system." For example, Onset's HOBO MX1101 treats and adjusts pain. Upon information and belief, Onset has performed each step of claim 7 at least by internal testing of Onset's app.   *See*   https://www.onsetcomp.com/products/data-loggers/mx1101?creative=178262173812&keyword=&matchtype~~~~~=&network=g&device=c&gclid=EAIaIQobChMIt-blp-qE4AIVCqdpCh2WJAcwEAQYBCABEgJja_D_BwE; webpage attached hereto as Exhibit B, Figure 1.
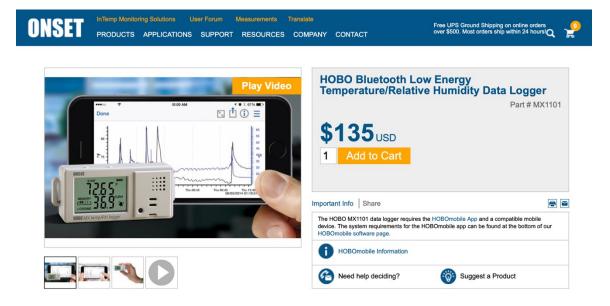
Figure 1. Onset's HOBO MX1101 helps wirelessly log data related to temperature and humidity via Bluetooth Low Energy.

Figure 2. Onset's HOBO MX1101 transmits temperature and relative humidity data wirelessly to mobile devices via Onset's HOBOmobile app.

See https://www.onsetcomp.com/datasheet/MX1101; webpage attached hereto as Exhibit C, Figure 3.

Range	1% to 90%, non-condensing
Accuracy	±2.0% from 20% RH to 80% RH typical to a maximum of ±4.5% including hysteresis at 25˚C (77˚F); below 20% RH and above 80% RH ±6% typical
Resolution	0.01%
Drift	<1% per year typical
Response Time	
Temperature	7:30 minutes in air moving 1 m/s (2.2 mph)
RH	20 seconds to 90% in airflow of 1 m/s (2.2 mph)
Logger	
Radio Power	1 mW (0 dBm)
Transmission Range	Approximately 30.5 m (100 ft) line-of-sight
Wireless Data Standard	Bluetooth Smart (Bluetooth Low Energy, Bluetooth 4.0)
Logger Operating Range	-20° to 70°C (-4° to 158°F); 0 to 95% RH (non-condensing)
Logging Rate	1 second to 18 hours
Logging Modes	Fixed interval (normal, statistics) or burst
Memory Modes	Wrap when full or stop when full
Start Modes	Immediate, push button, date & time, or next interval
Stop Modes	When memory full, push button, date & time, or after a set logging period
Restart Mode	Push button
Time Accuracy	±1 minute per month at 25°C (77°F)

Figure 3. Onset's HOBO MX1101 works with Bluetooth devices.

18.   Onset's HOBO MX1101 satisfies claim element 7(a): "a first mobile station." For example, Onset's HOBO MX1101 works on a mobile device, such as an iPhone. *See* Ex. B, Figs. 1-2.

19.   Onset's HOBO MX1101 has a second mobile station. For example, Onset's HOBO MX1101 works on mobile devices, such as iPhones, that communicate with each other via Bluetooth V4.0 low energy. *See* Exs. B-C, Figs. 1-3.

20.   Onset's HOBO MX1101 satisfies claim element 7(b): "wherein the first mobile station is configured to select a first portion of a radio frequency (RF) band to carry communications between the first mobile station and the second mobile station, transmit a

first request signal on a first sub-portion of the first portion of the RF band directly to the second mobile station to request communications between the first mobile station and the second mobile station, establish in response to receiving a first acknowledge signal from the second mobile station, a direct communication link between first the mobile station and the second mobile station on the first portion of RF band." For example, Onset's HOBO MX1101 selects a 2.4 GHz-2.4385 GHz range of the ISM band to carry communications between the mobile devices via Bluetooth V4.0 low energy. *See* Exs. B-C, Figs. 1-3.

21.   Upon information and belief, Onset's HOBO MX1101 satisfies claim element 7(c): "receive from the second mobile station a public encryption key generated using a private encryption key associated with the second mobile station." For example, Onset's HOBO MX1101 receives a public encryption key from the second mobile device that was generated using a private encryption key.

22.   Upon information and belief, Onset's HOBO MX1101 satisfies claim element 7(d): "generate a message containing a common encryption key (Ckey)." For example, Onset's HOBO MX1101 generates a message containing a common encryption key, such as a DH key, that will be extracted by the second mobile station.

23.   Upon information and belief, Onset's HOBO MX1101 satisfies claim element 7(e): "encrypt the message using the public encryption key to generate an encrypted message, provide the encrypted message to the second mobile station so that the second mobile station may decrypt the encrypted message using the private encryption key and extract the Ckey, wherein the message exchanged between the first and the second mobile stations are encrypted using the Ckey." For example, Onset's HOBO MX1101 has a public-private key system where a receiver receives an encrypted message and decrypts

that message using a private key.

24.   Upon information and belief, Onset's HOBO MX1101 satisfies claim element 7(f): "wherein the second mobile station is configured to transmit, in response to receiving the first request signal from the first mobile station, the first acknowledge signal on a second sub-portion of the first portion of the RF band directly to the first mobile station to acknowledge the first request signal." For example, Onset's HOBO MX1101 transmits a request signal on a double-sided spectrum with center frequency 2.402 GHz of the range of the ISM band directly to the mobile devices and establishes a direct communication link between the two mobile devices upon receiving a first acknowledgment signal from the second mobile station.

25.   Encoditech 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.

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

JURY DEMAND

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

PRAYER FOR RELIEF

WHEREFORE, Encoditech asks this Court to enter judgment against Onset Computer Corporation, granting the following relief:

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

B. An award of damages to compensate Encoditech for Onset's direct infringement of the Patent-in-Suit, including an accounting of all damages not presented at trial;

C. An order that Onset and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;

D. A declaration that this case is exceptional, and an award to Encoditech of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;

E. An award of prejudgment and post-judgment interest; and

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

Dated: January 31, 2019   Respectfully Submitted,

                                         By: */s/ Gustavo A. Chico-Barris*
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