

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

<p>Inventergy LBS, LLC, Plaintiff, v. Gibi Technologies 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, Kenneth Matuszewski, complains of Gibi Technologies Inc., (“Gibi”), 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 Gibi Technologies Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 2120 Avy Avenue, #7326, Menlo Park, CA 94026.

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 Gibi because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, Gibi provides a full range of products to residents in this District. Gibi is also incorporated in the state of Delaware. As described below, Gibi 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 Gibi 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. 8,760,286 (the “8,760,286”) (hereafter, the “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 Gibi.

The '286 Patent

8. 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 A and incorporated herein by reference.

9. The '286 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, 1:42–48.

11. 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 '286 PATENT

12. Inventergy incorporates the above paragraphs herein by reference.

13. **Direct Infringement.** Gibi 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, Gibi's Tracker, that satisfies the preamble of Claim 1: “[a] tracking device.” For example, Gibi's Tracker is a tracking device. See <https://getgibi.com/>; Figure 1.



Figure 1. Gibi's Tracker is a tracking device.

14. Gibi's Tracker satisfies claim element 1(a): “a location detector operative to determine locations of said tracking device.” For example, Gibi's Tracker tracks location using a built-in receiver supporting GPS and works digitally. See <https://getgibi.com/faq/coverage-accuracy-and-range/>; Figure 2.

Why does Gibi use GPS technology?

Gibi uses GPS technology because it is the most accurate. Gibi devices receive signals from multiple satellites for most precise and exact accuracy. Second generation Gibi devices (model GIBI02) improved accuracy in urban and wooded environments.

Figure 2. Gibi's Tracker tracks location using a built-in receiver supporting GPS and works digitally.

15. Gibi's Tracker 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, Gibi's Tracker has a communication device, such as a built-in transceiver that is capable of cellular or satellite communication. See <https://getgibi.com/faq/coverage-accuracy-and-range/>; Figure 3.

Why does Gibi use cellular technology?

Gibi uses cellular technology because it is the most reliable, well-established mobile communication network. Coverage is essentially anywhere and everywhere. Gibi's service does not depend on connecting with a base station at your home, or a base station being near your dog, or someone on a "community" or "crowd-sourced" network walking past your missing dog. Gibi just doesn't want to leave anything to chance because pets are family.

Figure 3. Gibi's Tracker has a communication device, such as a built-in transceiver that is capable of cellular or satellite communication.

16. Gibi's 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, Gibi's Tracker has on-board memory capable of storing location data. See Figs. 1–3.

17. Gibi's 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, Gibi's Tracker includes a processor that executes code to determine the location of the Tracker and sends reports of its location over a set period of time. See Figs. 1–3.

18. Gibi's 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, Gibi's Tracker can be configured to various reporting plans which determine how frequently location is reported. See <https://getgibi.com/faq/gibi-app-and-settings/>; Figure 4.

What is the Check In rate and how can I change it?

Check In rate is how often the Gibi system checks your pet's location. The default setting is every 15 minutes. To change the Check In rate, go to Settings, select desired Check In rate, then click Save. If you want to see where your dog is between location Check-In rate intervals, simply click Find. Please keep in mind that the faster the Check In rate, the faster battery is consumed. See FAQ on battery life. If your dog goes missing, we suggest to first assess how far away you are from your dog and the remaining battery charge. When you get closer to your dog, change the Check In rate to shorter interval.

Figure 4. Gibi's Tracker can be configured to various reporting plans which determine how frequently location is reported.

19. Gibi's Tracker 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, the Tracker'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 Gibi's server. See Figure 4.

20. Gibi's Tracker 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, the Tracker'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 Gibi's server. See Fig. 4.

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 Gibi, granting the following relief:

- A. A declaration that Gibi has infringed the Patent-in-Suit;
- B. An award of damages to compensate Inventergy for Gibi's direct infringement of the Patent-in-Suit;
- C. An order that Gibi 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 Gibi'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: March 5, 2019

Respectfully submitted,

/s/ Timothy Devlin

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