**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Inventergy LBS, LLC,	Case No. 1:18-cv-08060
Plaintiff,	Hon. Ruben Castillo
v.	Jury Trial Demanded
Verizon Communications Inc.,	
Defendant.	

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Inventergy LBS, LLC ("Inventergy"), through its attorney, Isaac Rabicoff,

complains of Verizon Communications Inc., ("Verizon"), 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 E. Hamilton Ave.,

Campbell, CA 95008.

2.   Defendant Verizon Communications Inc. is a corporation organized and existing

under the laws of Delaware that maintains its principal place of business at 1095 Avenue of the

Americas, New York, NY 10036.

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).

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5.   This Court has personal jurisdiction over Verizon because it has engaged in systematic and continuous business activities in the Northern District of Delaware. Specifically, Verizon provides a full range of products to residents in this District and has a place of business located at 36 S. State St., Chicago, IL 60603. As described below, Verizon 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 Verizon has committed acts of patent infringement and has a place of business located at 36 S. State St., Chicago, IL 60603 in this District. 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 Nos. 8,760,286 (the "'286 Patent") and 9,219,978 (the "'978 Patent") (collectively, "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 Patents-in-Suit. Accordingly, Inventergy possesses the exclusive right and standing to prosecute the present action for infringement of the Patents-in-Suit by Verizon.

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 '282 Patent was filed on April 10, 2012; which was a continuation application of U.S. Patent 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

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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, 1:40-49.

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.

The '978 Patent

12.   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 B and incorporated herein by reference.

13.   The '978 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, 1:45–51.

15.   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.

KNOWLEDGE OF INFRINGEMENT

The Pre-Suit letter imparted actual knowledge of infringement to Angelsense, a company that sells the infringing product manufactured by Verizon.

16. Angelsense was informed by mail on August 2, 2018 that the Angelsense GPS device ("Device") it sells and is manufactured by Verizon, was covered by at least claim 1 of the Patents-in-Suit. Letter to Verizon, attached hereto as Exhibit C (enclosing the Patents-in-Suit as exhibits in this Letter).

17. The Letter described exactly how the Device infringed through a preliminary claim chart and infringement analysis. *Id.*

18. The overall infringing system is the Device, which Verizon manufactures, and Angelsense sells in the marketplace.

19. As of the filing date of this action, Verizon has continued to manufacture the Device that is covered by the Patents-in-Suit and Angelsense has continued to sell it.

COUNT I: INFRINGEMENT OF THE '286 PATENT

20. Inventergy incorporates the above paragraphs herein by reference.

21. **Direct Infringement.** Verizon 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 the Angelsense GPS device that satisfies the preamble of claim 1: "A tracking device." For example, Verizon's Device is a tracking device. *See* https://www.angelsense.com/; Figure 1.

Features That Keep Your Special Child Safe

Sensory Friendly Wearables
Attach the GPS device to the child's clothing or use our customized body fitting belt. **Only parent can remove.**

Unknown Place Alert
Receive an **instant alert** if your child is in an unfamiliar place.

"Listen-In"
Make sure your child is well and **hear what's happening** in their surroundings.

2-Way Voice
Talk to your child at any time, without them needing to "pick up" or click anything.

Indoor Search
Find your child in a mall, school, or **any indoor facility.**

Alarm
Activate an alarm on the device, to **locate** your child when nearby **in a crowd or when hiding.**

Runner Mode
Get GPS **updates every 10 seconds**, with distance readings and directions to your child.

First Responder Alert
In case of a lost child, send a map view to a predefined group of trusted people with a single click.

Late Departure Warning
Get an alert if your child hasn't left school on time – **ensure they're never left behind.**

Timeline View
See your child's daily timeline at a glance: **locations, routes & transit speed.**

ETA Feature
Know when your child is expected to get home. **Save precious time!**

Wide Cellular Coverage
No matter your carrier, AngelSense **works throughout the entire US and Canada.**
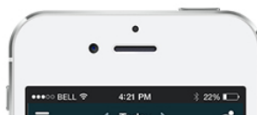
The AngelSensor is the Device

Figure 1. Verizon's Device is a tracking device.

22.   The Device satisfies claim element 1(a): "a location detector operative to determine locations of said tracking device." For example, the Device has GPS to determine the location of the tracking device. *See* Figure 2.

Every Special Child Deserves AngelSense

The only GPS & voice-monitoring solution designed for children with special needs

Sensory Friendly Wearables
Attach the GPS device to the child's clothing or use our customized body fitting belt. **Only parent can remove.**

Runner Mode
Get GPS **updates every 10 seconds**, with distance readings and directions to your child.

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Figure 2. The Device has GPS to determine the location of the tracking device.

23.   The Device 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, the Device operates and communicates with cellular networks and email addresses for multiple GPS devices. *See* http://support.angelsense.com/App-and-Notifications/55274537/Adding-guardians-users.htm; Figures 3, 4.

((•)) Wide Cellular Coverage
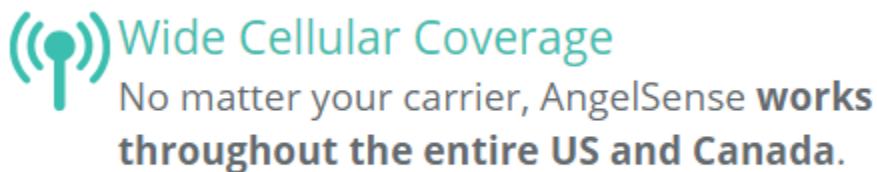No matter your carrier, AngelSense **works throughout the entire US and Canada**.

Adding guardians (users)

The first Guardian (the one who bought the AngelSense service) is a **Primary Guardian** and can add and configure other Guardians.

We do not limit the number of Guardians. Each Guardian uses a separate email and mobile number to **receive alerts.**

On the GPS 1, only two phone numbers can be authorized to call the device. On the **GPS 2**, there is no limit on how many phone numbers can be authorized to call the device.

Figure 3. The Device operates and communicates with cellular networks and email addresses for multiple GPS devices.

Adding local police as a First Responder

If there is an emergency we suggest first calling 911. If you know an officer with your local law enforcement that will allow you to use their email address and their cell phone number for alerts you are more than welcome to do so! You would need to **Add them as a First Responder**.

We suggest that you request for the password that they will be using for your own records and also suggest that they save their login credentials in a file at their local police station along with other information on your child to have on hand in case of an emergency. This way, anyone on duty can have access to your child's information and the login credentials in order to view them on the app if necessary.

Another alternative would be to create an email address for the sole use of the police station and then use this email address to set them up as a First Responder. Then, have your local law enforcement add in the email address and password you create to your file for their records.

Figure 4. The Device operates and communicates with cellular networks and email addresses for multiple GPS devices and can add local law enforcement as First Responders.

24.   The Device 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, the Device stores the GPS readings in its memory. *See* https://support.angelsense.com/App-and-Notifications/67387012/-No-GPS-explained.htm; Figure 5.

The AngelSense device stores the GPS readings in its memory and once the cellular connection is re-established, it will transmit the entire GPS recording it stored. This ensures that even in cases when the cellular connectivity is lost all the data for your child's schedule is saved.

Figure 5. The Device stores the GPS readings in its memory.

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25.   The Device 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, the Device inherently has a processor to execute the code, which allows the tracker to function.

26.   The Device satisfies claim element 1(e): "a configuration routine operative to modify said configuration data responsive to a communication from any one of said remote systems." For example, the Device has a Runner Mode that the user can activate. *See* http://support.angelsense.com/Runner-Mode/40760784/Runner-Mode-Overview.htm; Figure 6.

Runner Mode Overview

AngelSense provides a special mode, called Runner Mode:

- Starts sending location updates every 10 seconds (see **Location update frequency**)

- The last known location of the child is presented on the map (with a dynamic "breathing" circle)

To enter Runner Mode click on the menu on the right hand side and click on "Start Runner Mode".

Figure 6. The Device has a Runner Mode that the user can activate.

27.   The Device 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; and wherein said interval for buffering at least partially controls how frequently newly acquired location data will be stored in said memory." For example, the Device stores GPS data in memory, transmits it once it is saved and updates the location of the device every 10 or 30 seconds. *See*

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http://support.angelsense.com/App-and-Notifications/82613638/Location-update-frequency.htm;

Figure 7.

The AngelSense device stores the GPS readings in its memory and once the cellular connection is re-established, it will transmit the entire GPS recording it stored. This ensures that even in cases when the cellular connectivity is lost all the data for your child's schedule is saved.

Location update frequency

The GPS location of the AngelSense device will update the AngelSense App at different intervals depending on the location or activity.

- **Runner Mode**: updates every 10 seconds.
- **Unknown place**: updates every 30 seconds
- **In transit**: updates every 30 seconds
- **Named place**: updates every 15 minutes

Figure 7. The Device stores GPS data in memory, transmits it once it is saved and updates the location of the device every 10 or 30 seconds.

28.   The Device satisfies claim element 1(g): "said configuration data modifiable responsive to said communication from said remote system at least partially determines a power state of said location detector, said power state affecting the power outage of said location detector." For example, the Device responds to communications to determine the power and battery levels of the Device. *See* Figure 7.

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 '978 PATENT

31.   Inventergy incorporates the above paragraphs herein by reference.

32.   **Direct Infringement.** Verizon 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 the Device, that satisfies the preamble of claim 1: "A tracking device." For example, Verizon's Device is a tracking device. *See* Figure 8.

Figure 8. *Verizon's Device is a tracking device.*

33.   The Device satisfies claim element 1(a): "a location detector operative to determine locations of said tracking device." For example, the Device tracks location using a real time GPS monitor, and works digitally. *See* Figure 9.

Every Special Child Deserves AngelSense

The only GPS & voice-monitoring solution designed for children with special needs

Sensory Friendly Wearables
Attach the GPS device to the child's clothing or use our customized body fitting belt. **Only parent can remove**.
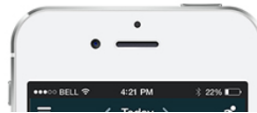
Runner Mode
Get GPS **updates every 10 seconds**, with distance readings and directions to your child.

Figure 9. The Device tracks location using a real time GPS monitor and works digitally.

34.   The Device satisfies claim element 1(b): "a communication device operative to communicate with a remote system." For example, the Device uses cellular networks and email to communicate with the devices. *See* Figure 10.

((•)) Wide Cellular Coverage
No matter your carrier, AngelSense **works throughout the entire US and Canada**.

Adding guardians (users)

The first Guardian (the one who bought the AngelSense service) is a **Primary Guardian** and can add and configure other Guardians.

We do not limit the number of Guardians. Each Guardian uses a separate email and mobile number to **receive alerts**.

On the GPS 1, only two phone numbers can be authorized to call the device. On the **GPS 2**, there is no limit on how many phone numbers can be authorized to call the device.

Figure 10. The Device uses cellular networks and email to communicate with the devices.

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35. The Device 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, the Device stores the GPS readings in its memory. *See* Figure 11.

The AngelSense device stores the GPS readings in its memory and once the cellular connection is re-established, it will transmit the entire GPS recording it stored. This ensures that even in cases when the cellular connectivity is lost all the data for your child's schedule is saved.

Figure 11. The Device stores the GPS readings in its memory.

36. The Device 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, the Device inherently has a processor to execute the code.

37. The Device satisfies claim element 1(e): "a configuration routine operative to modify said configuration data responsive to a communication from said remote system." For example, the Device allows for users to activate Runner Mode, another form of operating the device. *See* Figure 12.

Runner Mode Overview

AngelSense provides a special mode, called Runner Mode:

- Starts sending location updates every 10 seconds (see **Location update frequency**)

- The last known location of the child is presented on the map (with a dynamic "breathing" circle)

To enter Runner Mode click on the menu on the right hand side and click on "Start Runner Mode".

Figure 12. The Device allows for users to activate Runner Mode, another form of operating the device.

38.   The Device 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, the Device will store data in its memory if it cannot communicate with the cellular device, due to a lack of cellular coverage. *See* Figure 10.

39.   The Device 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, the Device will transmit the stored GPS data once communication with the server is possible again. *See* Figure 10.

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.

JURY DEMAND

42.   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 Verizon, granting the following relief:

A.   A declaration that Verizon has infringed the Patents-in-Suit;

B.   An award of damages to compensate Inventergy for Verizon's direct infringement of the Patents-in-Suit;

C.   An order that Verizon 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

Verizon'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 award of prejudgment and post-judgment interest; and

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

Date: March 21, 2019   Respectfully submitted,

                                        /s/ Isaac Rabicoff
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